



MACAULAY'S
SPEECHES ON COPYRIGHT
LINCOLN'S
COOPER INSTITUTE ADDRESS

LONGMANS' ENGLISH CLASSICS

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LONGMANS' ENGLISH CLASSICS

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MACAULAY'S
SPEECHES ON COPYRIGHT

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Longmans' English Classics

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EDITED

WITH INTRODUCTIONS AND NOTES

BY

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LONGMANS, GREEN, AND CO.

FOURTH AVENUE AND 30TH STREET, NEW YORK

PRAIRIE AVENUE AND 25TH STREET, CHICAGO

1915

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INTRODUCTION

MACAULAY'S SPEECHES ON COPYRIGHT

I. LIFE OF MACAULAY

THOMAS BABINGTON MACAULAY's prosperous life began on October 25, 1800, at Rothley Temple, Leicestershire, where his mother was paying a visit to her sister. His childhood was spent in the heart of London and in the pleasant suburb of Clapham. His father was so much engrossed in the anti-slavery agitation that he had little time to spend on the training of his eldest son. His mother, however, did not spoil the child. Though he crept unwillingly to school, she would hear none of his entreaties to remain home on rainy afternoons, saying stoically, "No, Tom, if it rains cats and dogs, you shall go." He learned without effort, but what he was really interested in was writing long epics or an epitome of universal history—childhood works which were as correct in spelling and grammar, as accurate in punctuation, and as clear in meaning as his mature masterpieces.

At twelve he was sent to a small private school near the great university of Cambridge. He was very homesick, but occupied his whole time with books and the debating society. Of it he early wrote that the subject chosen for the next discussion was "whether Lord Wellington or Marlborough was the greatest general. A warm debate is expected." In these discussions little Macaulay seems to have attracted attention by the loudness and fervor of his

tones, for his father wrote praying "that the ornament of a meek and quiet spirit may be substituted for vehemence and self-confidence."

At Trinity College, Cambridge, which he entered at eighteen, he soon became one of the bright particular lights in the famous debating society, the Cambridge Union. He shone equally in conversation in the rooms of fellow-students, where on all current questions he usually maintained the opposite view with boundless illustration and argument. His brilliancy gave rise to the story of a day spent at the country house of the Marquis of Lansdowne. There he and his friend Austin were entertained at a gathering of ladies, artists and politicians. The two students commenced a conversation at breakfast which was kept up, with only slight interruption at lunch, until the bell rang for dinner, yet to which every one in the house was a listener. At his father's home in Clapham, too, he mingled in the discussions of political subjects led by some of the most influential members of parliament who lived on the Surrey side of London. He thus early gained a thorough schooling in the discussion of questions of public policy. Moreover, his student controversies gradually brought him to the conviction that the Whig party embraced within its principles all that was wise and just. Though he detested mathematics, he was on a third trial granted a fellowship in 1824 and an A.M. in July of the next year.

During his school life he took not the least interest in any athletic sports. He was no less indifferent to skating, shooting, riding, driving, than to swimming, rowing, or cricket. Indeed, his only exercise during his whole life was walking. Yet even on the most crowded streets of London he would thread his way at a rapid pace with a book in his hand, reading

faster than any one else could sitting down. The secret of his great attainments lay in an unerring memory and the ability to take in at a glance the contents of a printed page. As a child he memorized "The Lay of the Last Minstrel" at a single reading while he and his father were making a call. On returning home he sat down on the bed and repeated as much of it to his mother as she would hear. In mature life he says of a trip to Ireland while he was writing his "History," when one would suppose that his thoughts would have been absorbed with the momentous events he was preparing to describe: "As I could not read, I used an excellent substitute for reading. I went through 'Paradise Lost' in my head." He seems never to have spent an hour in meditation, but as we shall see in his speeches his vast memory at once supplied him with a whole arsenal of arguments and illustrations for any occasion.

His father wished him to become a lawyer on leaving Cambridge, and he did study sufficiently to secure admission to the bar in 1826. But while in college he had contributed to "Knight's Monthly Magazine." Jeffrey, the famous editor of the "Edinburgh Review," the foremost magazine of the time and a Whig organ, invited him to contribute to his pages. Hardly had he left Cambridge when his "Essay on Milton" appeared. He became famous in a day. His breakfast table was covered each morning with cards of invitation to dinner from every quarter of London. For the next twenty years he could not release himself from the demand for his writings in the "Review." The publishers at a later date told him that five hundred book-sellers in different parts of the kingdom reported that the "Review" sold or did not sell according as there were or were not articles by Mr. Macaulay.

In 1828 he was on account of his writings made a commissioner of bankruptcy at a handsome salary. In 1830, as a result of some articles on James Mill, he was asked by Lord Lansdowne to enter parliament from the vacant borough of Calne. He had, to be sure, attracted attention even before leaving college by a speech at a meeting of the Anti-slavery Society. The "Edinburgh Review" pronounced it "a display of eloquence so signal for rare and matured excellence that the most practiced orator may well admire how it should have come from one who then for the first time addressed a public assembly." In his maiden speech in parliament he spoke so clearly on the bill for the removal of political disabilities from the Jews that Sir James Mackintosh declared that he arose, not "to supply any defects in the speech of his honorable friend, but principally to absolve his own conscience." After Macaulay's speech on the reform bill in 1831 the Speaker sent for him and told him that in all his prolonged experience he had never seen the House in such a state of excitement. He was compared to Burke, Fox, and other great orators of the past. Of his speech on the second reading of the bill in 1832 Jeffrey said that it put him clearly at the head of the great speakers if not the debaters of the House.

There is another side to his parliamentary career which is even more creditable. Shortly after he entered he voted for a bill which swept away his bankruptcy commissionership when he could ill afford to lose the income. Indeed, he had to sell the gold medals which he had won at Cambridge to keep out of debt. For he now had not only to support himself but to mend the broken fortunes of his family. To the electors of Leeds in 1832, from whom he was seeking a seat in parliament, he wrote: "I was per-

fectly aware that the avowal of my feelings on the subject of pledges was not likely to advance my interest at Leeds. . . . It is not necessary to my happiness that I should sit in Parliament; but it is necessary to my happiness that I should possess, in Parliament or out of Parliament, the consciousness of having done what was right." In 1833 he again lived up to his convictions by opposing a government measure on West India slavery, although doing so might have cost him his position in parliament and blasted his prospects for a public career.

Fortunately, he retained both honor and position. As secretary of the Board of Control of the East India Company his speeches had a great deal to do with the adoption of the plan for reorganizing that company. His mastery of the subject led to his appointment as one of the members of the Supreme Council to govern India, at a salary of ten thousand pounds a year. Once in Calcutta he plunged into his official duties and also undertook the chairmanship of two committees. He reorganized the educational system of India and had much to do with drawing up the Penal Code and the Code of Criminal Procedure.

Returning to England after an absence of over four years with the fortune of himself and his family reëstablished, he was in 1839 elected to parliament from Edinburgh, and entered the cabinet as Secretary of War. But his parliamentary triumphs came in the debates on the copyright bills in 1841 and 1842, when, as Gladstone says, "he arrested the successful progress of legislative measures, and slew them at a moment's notice, and by his single arm." With the publication of the "*Lays of Ancient Rome*" in 1842, he added great popularity as a poet to his fame as essayist and speaker. We need not linger over the remainder of his parliamentary career. He lost his

seat in 1847, but was returned in 1852 without a canvass and remained for four years.

After his return from India his ambition was to write the "History of England" which is his surest title to fame. When the first two volumes appeared in 1848 they created a greater stir than had been produced by any other historical book published in that century. He lived to complete five volumes, dealing with the fifteen years following the Revolution of 1688. After an attack of heart-disease in 1852 he contracted a confirmed asthma. The two ailments kept him from working with any ease during the remainder of his life, but he nevertheless continued to prepare the chapters with the same scrupulous care which had assured the popular success of the first volumes. While sitting in his chair by the fireside he died December 28, 1859. He was buried January 9, 1860, in Poets' Corner in Westminster Abbey.

II. THE MEANING AND HISTORY OF COPYRIGHT

If you will look on the page opposite the Table of Contents, you will find the following notice: "Copyright, 1915, by Longmans, Green, and Company." What does that mean? Simply this, that the publishers have the sole right to print and publish this book for twenty-eight years, and if at the expiration of that term they so wish, for an additional term of twenty-eight years. Such is the provision of the United States law passed in 1909.

What interest have you in such a right? You have the same interest that every buyer of books has, for the law helps to determine how much you shall pay for each copy. Of course the publishers go to considerable expense to place a book in your hands.

They have to pay for the paper and the printing and the binding, the advertising and the office and general expenses connected with offering the volume to the public, and provide for the payment of the author. It is necessary, therefore, that the copyright owner, whether he be publisher or author, shall be secured for a certain time against unauthorized reproduction of a published book. The copyright laws provide such security.

Exactly what copyright means is a little harder to explain. But it does seem clear that you have as much right to what flows from your own mind as to what you form with your hands. If you whittle out the hull of a boat or make a new model for an aeroplane, you surely have the right to keep it. If you write a letter to a friend, he has no right to print it in a periodical or a book without first obtaining your permission. In other words, you have not only a right to the product of your own mind, but you alone have the privilege of reproducing it or multiplying copies. The whole history of copyright controversy centers about the question, for how long shall you have this privilege?

This question was not considered in the first copyright case, recorded in the dim legendary history of Ireland. St. Columba, while yet a student and before he became saintly, secretly made a copy of a psalter in the possession of his teacher, Finian. But in 567 A.D. this copy was reclaimed, according to tradition, by the decision of King Dermott in the Halls of Tara: "To every cow her calf." It was not until the invention of printing that either copyright or its duration became of any importance. The second Royal Printer was given, in 1518, the exclusive privilege for two years of printing a certain speech, to which this first copyright notice was appended.

Most other privileges were for a term of seven years. During the reign of Elizabeth the term of copyright received its greatest extension. The Stationers' Company came to prohibit all printing in England except by those registered in its membership, but it was understood that such persons should enjoy the privilege forever. The turmoil of the Civil Wars affected publishing almost as much as it did religion and politics. It was under the law of 1662 that Milton secured the license for publishing "*Paradise Lost*." He lived to receive ten pounds from the publisher, Samuel Symmons, who in 1680 secured the perpetual copyright from the widow of Milton for eight pounds. Macaulay speaks on pages 14-15 of the operation of this act. Charles II. renewed the charter of the Stationers' Company in 1684, confirming to proprietors of books "the sole right, power, and privilege and authority of printing, as has been usual heretofore."

The ownership of copyright and the length of time it should run remained, however, in a chaotic state until the foundation of copyright in England and the United States to-day was laid by the famous law of Queen Anne that went into effect in 1710. It gave the author the sole right of printing for fourteen years and no longer, unless he at the end of that term secured the extension for another fourteen years. There was disagreement about the operation of the law until a decision of the House of Lords in 1774 held that the statute of Anne took away the right of perpetual copyright. The only change up to the debates included in this volume was the extension of the term in 1814 to twenty-eight years and the remainder of the author's life. In 1842, as we shall see, Macaulay secured the passage of an act extending the term to forty-two years, or to the life of the author plus seven years. This remained the law

of England until 1912, when the present law went into force, securing the right to the author for his lifetime and fifty years more.

III. THE DEBATES OF 1841 AND 1842

The superiority of Macaulay's speeches on copyright cannot be seen or measured unless we run over the debate in which they were delivered. In 1837 Thomas Noon Talfourd introduced a bill to amend the law by extending the term during which copyright should be valid. He had from his early twenties been intimate with Lamb, Wordsworth, Coleridge, and other literary men. His speech on that bill gained him great applause, but the bill itself was opposed by most of the classes concerned; that is, by authors, publishers, and readers. Five successive times he introduced a measure, with the same want of success in parliament but with growing favor outside.

On January 27, 1841, he again asked leave to bring in a bill which would secure copyright for a period of fifty years reckoned from the author's death. Mr. Warburton, who represented medical interests in legislation, was on his feet at once. He declared that "he did not intend to let even a stage of the bill pass without offering to it his most strenuous and determined opposition." These stages were five: (1) leave to bring in the bill, when there was usually little or no debate; (2) the first reading; if favored, the bill was ordered to be printed and a date set for the second reading; (3) a second reading, when the principle of the measure was discussed; if it was then voted down, it could not be considered again during that session; (4) consideration in a committee of the whole house or by a special committee, when details and amendments were discussed; when the

committee reported, a day was set for the third reading; (5) a third reading; if the bill then passed, it was sent to the House of Lords.

When leave to bring in the bill was discussed on January 29, Mr. Warburton launched forth into a long speech against it. He could not agree that the question was one of natural right to the productions of one's own mind. He did not acknowledge such a thing as natural rights. The question was merely one of expediency. He would consequently consider the interests of authors, of publishers, and of the public. With regard to *authors* the proposed law amounted to perpetual copyright. It would therefore injure authors because it would make easier the suppression and mutilation of their works, and would even enable the descendants of authors to prevent the public from reading the works of genius. *Publishers* would not be benefited because they testified that current works remained in circulation only from fourteen to twenty years. The *public* would suffer because the monopoly created would raise the price of books. In spite of his opposition leave was given by a vote of 142 to 30 to bring in the bill and read it a first time. Apparently Serjeant Talfourd was at length to win his fight.

On February 5 the bill came up for a second reading. In presenting it Serjeant Talfourd requested that even those who favored a thirty-year extension, the term in France, should vote for the second reading. He denied that he had overlooked the question of expediency. Following the plan of Mr. Warburton's speech, he declared that the greatest authors of the time favored his bill, that the publishers, with one or two exceptions, were quite satisfied with the provisions of the bill, and that the public should first of all learn justice. He added that the same argu-

ments (that books would become dearer, that fewer would be written, fewer published, fewer sold) were used when in 1814 the term of copyright was extended from fourteen to twenty-eight years. His measure was necessary because (1) only in this way could authors be given the means of preserving the purity of their works and (2) it would overcome the tendency of the time to purchase works of light and airy character and would encourage that which was slow in production, high in aim, and lasting in duration.

It was to this appeal that Macaulay replied in what the London "Times" the next day called a "long and clever speech against it"—his "First Speech on Copyright." The repeated applause with which he was greeted showed how telling his points were. To his argument Sir R. H. Inglis, an old-fashioned Tory, replied that the bill had no reference to the origin of the right of property, but was founded on expediency, and that all Macaulay's arguments against the proposed bill applied just as much to the present law. Mr. Serjeant Talfourd added that Macaulay's doctrine concerning property in works might be equally urged against all works, that the argument concerning the suppression of books might be applied to the present twenty-eight year period. He pointed out that Macaulay had not grappled with the great examples adduced in favor of the bill, as Wordsworth, Rogers, and Campbell. He denied that experience had shown that monopoly had increased the price of books.

The vote was taken by having those who favored the bill pass into one lobby, while those opposed passed into another. The tellers reported a majority of seven against the further consideration of the measure. Thus Macaulay by a single speech turned the tide against a measure that gave promise of success.

His second speech was delivered against a bill to extend the term of copyright to twenty-five years after the author's death. This was introduced on March 3, 1842, by Lord Mahon because Serjeant Talfourd was no longer in parliament. It passed by agreement through the first and second reading and was taken up on April 6th by the House sitting as a committee of the whole. Lord Mahon made a long, clear, but not strikingly eloquent speech, a brief for which is given on p. 66. Macaulay delivered in reply his "Second Speech on Copyright," arguing for a term of forty-two years from the date of publication. Sir R. H. Inglis again replied in the genial manner that had made him exceedingly popular in the House of Commons. He declared that no one could expect him, nor would he for a moment attempt, to follow the learned and eloquent speech, one full of so much research as that just delivered—indeed, during his whole life he had never known any person able to follow such a speech but one. He asserted, however, that Macaulay had overlooked one very prominent object of the bill—to allow dying authors to provide for their families. Besides, his cases had not, with one exception, been taken from the authors of the day. There were three illustrious living authors, Wordsworth, Campbell, and Southey, who would derive a greater advantage from Lord Mahon's bill than from Macaulay's plan. This he proved by reference to particular works and dates.

It was Mr. Thomas Wakley who represented this year the opposition of medicine and science to any favors to letters and art. He had founded the famous medical journal, "The Lancet," and had effected many reforms in hospital service and in surgery, but on the present occasion he displayed merely narrow prejudice. In the course of his attack he declared

that the purpose of the bill was to give protection by statute to literary quacks, illustrating his point by reading and holding up to ridicule some poems by the great poet Wordsworth. When questioned he replied that he could write "respectable" poetry by the mile. "Punch" ridiculed him at once, and later the humorist Thomas Hood belabored him with genial satire.

Mr. Monckton Milnes, famous for his social relations with authors, declared that Macaulay's plan would be little better than the existing law, since it afforded no protection to the author's family. He illustrated the action of the proposed amendment by discussing Southey's case at the time.

The first and second clauses of the bill, which did not affect the term of copyright, passed; but there was further debate on the third, which read as follows:

"And be it enacted that the copyright in every book which shall, after the passing of this act, be published in the lifetime of its author, shall endure for the natural life of such author, and for the further term of *twenty-five years*, commencing at the time of his death, and shall be the property of such author and his assigns: provided always that in no case shall the whole term be less than *twenty-eight years*."

Sir Robert Peel, the great Tory prime minister at the time, remarked that he had always doubted the advisability of altering the law. He was now won over by Macaulay's arguments to favor the certain term of forty-two years, but he would like to add a period of seven years from the author's death. The wealthy bachelor Macaulay felt that such a provision would make literary men too inconsiderate of the future. When Lord John Russell, the famous Whig leader who had pushed through the Reform Bill of 1832, asked for an acceptance of the seven-year addi-

tion, Macaulay called for a division. The first vote was on the question whether the words, "and for the further term of twenty-five years commencing at the time of his death" should stand as part of the law. After a division it was found that the words were stricken out by a majority of twelve. The second vote was on whether the words "and for the further term of seven years commencing at the time of the author's death" be inserted. This was carried by a majority of fifty-eight. The third vote was on whether the words "twenty-eight years" should stand as a part of the clause. They were stricken out by a majority of seventy-nine. The whole clause as amended, with the words forty-two years inserted in place of "twenty-eight years," was then adopted by the same majority. The results of the voting were:

1. Copyright should continue for the lifetime of an author and for the further term of seven years commencing at the time of his death.

2. Copyright should in no case continue for a shorter period than forty-two years after the date of publication.

The law was therefore essentially the one that Macaulay proposed. A weakness of his plan pointed out by Sir R. H. Inglis and made more apparent as the discussion advanced, was remedied by the seven-year clause, but in general it was his scheme which governed the duration of copyright for the next seventy years. It is not often that a debater wins so conspicuous a personal triumph.

BIBLIOGRAPHICAL NOTE ON MACAULAY

THE best biography of Macaulay is by all odds "The Life and Letters of Lord Macaulay," by Sir George Otto Trevelyan, originally issued in 1876. A very entertaining life it is. A much shorter one was written for the *English Men of Letters* Series by J. Cotter Morison. It not only gives a good brief account of his life but includes a criticism of his writings.

For the student of Macaulay's oratory there are various editions of his speeches. They were collected into one volume, with his "Miscellaneous Writings" many years ago and may now be had in a cheap edition at \$1.00 (Longmans). The whole of the debates on copyright is recorded in Hansard's "Parliamentary Debates" for the years 1841 and 1842.

Those interested in copyright will find the most complete account in Richard Rogers Bowker's "Copyright, its History and its Law." (Houghton Mifflin Company, 1912.) It is a "summary of the principles and practice of copyright with special reference to the American code of 1909 and the British act of 1911." But as a matter of fact it treats of all kinds of copyright in every country, and gives the laws, the regulations for securing both the right and damages for infringement. There is an English work by George Stuart Robertson, "The Law of Copyright" published by the Clarendon Press (1912) which explains fully the British law of 1911 and kindred matters. If you have not access to these, you may find interesting matter in some books now out of date:

George Haven Putnam's "The Question of Copyright" (Putnam's, 1896), E. J. McGillivray's "The Law of Copyright" (Dutton, 1902), Colles and Hardy's "Playwright and Copyright in All Countries" (Macmillan, 1906).

Our copyright office at Washington issues some bulletins of great use. Bulletin No. 14 is "The Copyright Law of the United States of America. Being the act of March 4, 1909 (in force July 1, 1909) as amended by the acts of August 24, 1912, March 2, 1913, and March 28, 1914, together with rules of practice and procedure under section 25 of the Supreme Court of the United States." It is supplied with an excellent index. Bulletin No. 3 is "Copyright Enactments of the United States, 1783-1906." This has been very carefully compiled by Thorvald Solberg, Register of Copyrights. It gives the laws passed by the original states, the acts of congress from 1790 to 1905, and the international and state regulations. Bulletin No. 16 is "Copyright in England. Act 1 and 2 Geo. 5. Ch. 46. An Act to Amend and Consolidate the Law Relating to Copyright, passed December 16, 1911." It too is fully indexed.

CHRONOLOGICAL TABLE — MACAULAY

MACAULAY'S LIFE	MACAULAY'S WORKS	CONTEMPORARY HISTORY	ENGLISH LITERATURE	AMERICAN LITERATURE
1800. Born.		1800. Bancroft born. Cowper died. 1801. J. H. Newman born. 1803. R. W. Emerson born. 1804. Napoleon emperor of France. Hawthorne and Disraeli born. 1805. Battles of Trafalgar and Austerlitz. 1806. Mrs. Browning born. 1807. Longfellow and Whittier born. Abolition of the English slave trade.	1802. <i>Edinburgh Review</i> founded. 1805. Scott's <i>Lay of the Last Minstrel</i> . 1806. Coleridge's <i>Christabel</i> . 1807. Lamb's <i>Tales from Shakespeare</i> . Moore's <i>Irish Melodies</i> . 1808. Scott's <i>Marmion</i> . <i>Quarterly Review</i> founded.	1800. Daniel Webster's first public speech (Hanover, July 4). 1806. Noah Webster's Dictionary. 1809. Irving's <i>History of New York</i> .
1812. Sent to school at Shelford.		1809. Tennyson, Gladstone, Darwin, Holmes, Poe, and Lincoln born. 1811. Thackeray born. 1812. Dickens. Robert Browning, born,	1812. Byron's <i>Childe Harold</i> , cantos i. and ii. 1814. Scott's <i>Waverley</i> . Wordsworth's <i>Excursion</i> .	

CHRONOLOGICAL TABLE — MACAULAY. — *Continued*

MACAULAY'S LIFE	MACAULAY'S WORKS	CONTEMPORARY HISTORY	ENGLISH LITERATURE	AMERICAN LITERATURE
1818. Entered Trinity College, Cambridge.		1815. Battle of Waterloo. 1816. Sheridan died. C. Bronte born.		1815. <i>North American Review</i> founded.
1819. First Chancellor's Medal.	1819. Pompeii, prize poem.	1818. Froude born. 1819. Ruskin, Whitman, Clough, Kingsley, and George Eliot born. 1820. George IV. king. Spencer and Tyn-dall born.	1818. Hallam's <i>Middle Ages</i> . Keats's <i>Endymion</i> . 1820. Keats's <i>Eve of St. Agnes</i> , <i>Lamia</i> , and <i>Hyperion</i> . Shelley's <i>Prometheus Unbound</i> . Lamb's <i>Essays of Elia</i> . 1821. De Quincey's <i>Confessions</i> .	1817. Bryant's <i>Thanatopsis</i> . 1819. Irving's <i>Sketch Book</i> .
1821. Craven Scholarship. Second Chancellor's Medal. 1822. Degree of B.A.	1821. Evening, prize poem.	1821. Keats died. 1822. Shelley died. Matthew Arnold and Gen. Grant born. 1823. Parkman born.		1821. Cooper's <i>Spy</i> .
1824. Elected Fellow of Trinity. Degree of M.A.	1823-24. Contributions to <i>Knight's Quarterly Magazine</i> . 1824. First public speech. 1825. First essay for the <i>Edinburgh Review</i> . Milton.	1824. Byron died. 1825. Huxley born.		1823. Cooper's <i>Pilot and Pioneers</i> . 1824. Irving's <i>Tales of a Traveller</i> . 1825. Webster's <i>First Bunker Hill Oration</i> .

1826. Called to the bar.	1827. Essay on Machiavelli.	1828. George Meredith and D. G. Rossetti born.	1826. Cooper's Last of the Mohicans.
1828. Commissioner of Bankruptcy.	1828. Essays on Dryden and History.	1830. William IV. king.	1827. Poe's Tamerlane, etc.
1830. Member of Parliament for Calne.	1830. First speech in Parliament.		1828. Irving's Life of Columbus.
1831. Member of Parliament for Leeds.	1831. Speeches on the Reform Bill. Essay on Boswell's Life of Johnson.		1830. Tennyson's Poems, chiefly Lyrical.
	1832. Essays on Burleigh and Mirabeau. Speeches on Parliamentary Reform, etc.	1832. Scott died. Stephen born.	1832. Irving's Alhambra.
	1833. Essay on Horace Walpole.		
1834. Sailed for India as member of the Supreme Council.	1834. Essay on the Earl of Chatham.	1834. Lamb and Coleridge died. W. Morris born.	1833. Carlyle's Sartor Resartus.
		1837. Victoria queen. Swinburne born.	1834. Bulwer's Last Days of Pompeii.
			1836-37. Dickens's Pickwick Papers.
			1837. Carlyle's French Revolution.
1838. Returned from India.	1838. Essay on Sir William Temple.	1838. Zachary Macaulay died. John Morley born.	1836. Holmes's Poems. Emerson's Nature.
1839. Member of Parliament for Edinburgh. Visit to Italy. Secretary at War.	1839. Essay on Church and State. Speech at Edinburgh.		1837. Prescott's Ferdinand and Isabella. Hawthorne's Twice Told Tales. Emerson's American Scholar.
	1840. Essays on Lord Clive and the History of the Popes.	1840 H. J. M. Stanley born. Thomas Hardy born.	1839. Whittier's Ballads and anti-slavery poems. Longfellow's Hyperion and Voices of the Night.
			1840. Poe's Tales. Dana's Two Years before the Mast.

CHRONOLOGICAL TABLE — MACAULAY. — *Continued*

MACAULAY'S LIFE	MACAULAY'S WORKS	CONTEMPORARY HISTORY	ENGLISH LITERATURE	AMERICAN LITERATURE
1841. Re-elected to Parliament for Edinburgh.	1841. Essay on Warren Hastings.		1841. Browning's <i>Pippa Passes</i> , Hero Worship.	1841. Emerson's Essays, first series.
	1842. <i>Lays of Ancient Rome</i> .	1842. Dr. Arnold died.	1842. Tennyson's Poems.	
	1843. Essays on Madame D'Arblay and Addison.	1843. Southey died.	1843. Ruskin's <i>Modern Painters</i> , vol. i. Dickens's <i>Martin Chuzzlewit</i> .	1843. Prescott's <i>Conquest of Mexico</i> .
	1844. Essay on Earl of Chatham (the last <i>Edinburgh Review</i> essay).	1844. Campbell died.	1844. E. Barrett's (Mrs. Browning's) Poem.	
1846. Paymaster-General.				
1847. Defeated in Edinburgh election.		1845. Hood died.		1845. Poe's <i>Raven</i> .
	1848. <i>History of England</i> , vols. i. and ii.		1847. Thackeray's <i>Vanity Fair</i> . Brontë's <i>Jane Eyre</i> . Tennyson's <i>Princess</i> .	1847. Longfellow's <i>Evangeline</i> .
				1848. Lowell's <i>Biglow Papers</i> , first series, <i>Vision of Sir Launfal</i> , etc.
	1849. Inaugural Speech at Glasgow.	1849. Poe died.		1849. Parkman's <i>Oregon Trail</i> . Whittier's <i>Voices of Freedom</i> .
1849. Lord Rector of Glasgow University. Fellow of the Royal Society.		1850. Wordsworth died. R. L. Stevenson born. Tennyson poet laureate.	1850. Tennyson's <i>In Memoriam</i> . Mrs. Brown- ing's <i>Sonnets from the Portuguese</i> .	1850. Hawthorne's <i>Scarlet Letter</i> .
		1851. Cooper died.		
1852. Elected to Parliament from Edinburgh without a canvass. Health began to fail.		1852. Webster and Moore died.	1852. Thackeray's <i>Henry Esmond</i> .	1852. Mrs. Stowe's <i>Uncle Tom's Cabin</i> .

1854. Life of John Bunyan.	1853. Kingsley's Hypatia.
1855. History of England, vols. iii. and iv.	1854. Thackeray's New-comers.
1856. Lives of Oliver Goldsmith and Samuel Johnson.	1855. Tennyson's Maud.
1857. Became Baron Ma-caulay of Rothley. Foreign Member of French Academy. Member of Prussian Order of Merit.	1855. Longfellow's Hiawatha.
1858. High Steward of Cambridge.	1856. Motley's Dutch Republic.
1859. Died December 28.	1858. Carlyle's Frederick the Great. Tennyson's Idylls of the King.
1859. Irving, Prescott, De Quincey, Hunt, and Hallam died.	1858. Holmes's Autocrat of the Breakfast Table.
	1859. Darwin's Origin of Species. George Eliot's Adam Bede.

LINCOLN'S COOPER INSTITUTE ADDRESS

I. LIFE OF LINCOLN

ABRAHAM LINCOLN has been called the typical American. He is surely one of the great men in all history. Yet he was born in a log cabin of one room, lighted by a single window, with one plank door and a huge chimney built outside at one end. This was near Hodgenville, Kentucky, on February 12, 1809. His father, who was a rather shiftless man, tried to better his condition by moving farther into the wilderness, near Gentryville, Indiana, when little Abe was only seven. When Abe was twenty the family again moved to a frontier region near Decatur, Illinois.

During this time, Lincoln says, his education was defective. In fact, it amounted in all to not more than a year of schooling. As soon as he was old enough, his father made him assist in all kinds of work on the farm or in the forest. When he was not needed at home, his father hired him out at twenty-five cents a day to plough, chop wood, carpenter, take care of the horses, and help the women with the "chores." In the intervals between work he went to the schools kept by itinerant teachers in those sparsely settled regions. In Kentucky he learned faster than any of his schoolmates, probably because he had the first requisite for progress—an eager desire for study. Even at that early age "he would get spicewood bushes, hack them up on a log, and burn them two or three together, for the purpose of giving light by which he might pursue his studies." From the wandering preachers he also got notions of public speaking, which he put into practice on

groups of his playmates. In Indiana, where bears and other wild animals then roved the woods, he learned little more. He declared that if a straggler supposed to understand Latin happened to sojourn in the neighborhood, he was looked upon as a wizard. There was absolutely nothing to excite ambition for education, yet he gained the fundamentals, reading writing, and ciphering.

A few good books he read thoroughly, the Bible, "Æsop's Fables," "Robinson Crusoe," "Pilgrim's Progress," a "History of the United States," and Weem's "Life of Washington." So ambitious was he that in his own words "he read through every book he had ever heard of in that country, for a circuit of fifty miles." He kept a book in a chink in the logs to pore over in the morning as soon as it grew light enough. He pondered over what he read, making long extracts with a turkey-buzzard pen and brier-root ink. If he had no copy-book at hand, he would write with a charred stick on the wooden fire-shovel.

He early earned a reputation for being able to explain things hard for the other boys to understand. He later said of his boyhood:

"Among my earliest recollections I remember how, when a mere child, I used to get irritated when anybody talked to me in a way I could not understand. I do not think I ever got angry at anything else in my life; but that always disturbed my temper, and has ever since. I can remember going to my little bedroom, after hearing the neighbors talk of an evening with my father, and spending no small part of the night walking up and down and trying to make out what was the exact meaning of some of their, to me, dark sayings. I could not sleep, although I tried to, when I got on such a hunt for an idea until I had caught it; and when I thought I had got it,

I was not satisfied until I had repeated it over and over; until I had put it in language plain enough, as I thought, for any boy I knew to comprehend."

So self-reliant had he become by eighteen that he read the "Revised Statutes of Indiana," which contained the Declaration of Independence, the Constitution of the United States, and the Ordinance of 1787, in addition to the laws of the state. He discussed this abstruse collection intelligently with some of the neighbors. The storekeeper at Gentryville took a newspaper. Lincoln led in the discussion of its contents, for the group recognized his remarks as the best informed and the shrewdest. In the fields the hands would throw down scythes and axes to form a circle around him as he mounted a stump and repeated the sermon of the day before or spoke on some political topic.

Shortly after the family moved to Illinois, Abraham at twenty-one started out in life for himself with only his two hands as capital. After taking a stock of produce to New Orleans he became a clerk in a country store at New Salem, a village near Springfield which no longer exists. He immediately became popular, partly because he was the strongest man and the best wrestler in the country and partly because he seldom lost his temper and never fought except to right some wrong. He continued his education in the ample leisure that his duties left, walking several miles to argue in a debating society and studying Kirkham's grammar until he understood everything in it. After serving as captain in the Black Hawk War, he went into a partnership, but continued to study a great deal. He read Burns and Shakespeare and pondered over the famous legal authority, Blackstone. He had one day bought a barrel of goods to oblige an emigrant to the West. On emptying it later he discovered

the volumes of Blackstone at the bottom. "The more I read, the more intensely interested I became," he declared nearly thirty years afterward. "Never in my whole life was my mind so thoroughly absorbed. I read until I devoured them."

This power to master subjects by himself, to do his own thinking, was displayed again in his learning surveying. When the county surveyor needed deputies, he asked Lincoln to serve. The fact that Lincoln knew nothing about surveying made no difference, for he was given time to learn. He at once procured a treatise on the subject. For six weeks he studied it and a few others incessantly, often sitting up until nearly dawn, but in those six weeks he mastered a subject that an ordinary person would have needed six months to learn. What is more, his surveys were always correct.

Another trait that he manifested during this time was honesty. While he was a clerk, he once discovered that he had taken six cents too much from a customer. As soon as the store was closed, he walked three miles to return the sum. The last thing he did before closing late one afternoon was to sell a pound of tea. On coming back in the morning he discovered that the weight in the scales was four ounces. He immediately shut the store to deliver the rest of the pound. The store finally failed. His partner died, leaving Lincoln with a debt of eleven hundred dollars. He called it the "national debt," it was so heavy. But for fourteen years he kept paying on it at the high rate of interest then common, until he had settled for the whole.

Lincoln's immense personal popularity made it easy for him for eight years, from 1834 to 1842, to defeat any opponent for the state legislature. He bought his first suit of clothes, of country jeans, when

he started out on foot for his first term at the state capitol, seventy-five miles away. He early showed his political adroitness by successfully directing the measure for the removal of the capitol to Springfield. In 1837 he started the practice of law in that promising city of fifteen hundred inhabitants. From 1842 to 1854, with the exception of one term in Congress, 1847-1849, he devoted most of his time to the profession.

His pleadings were not very learned. Indeed, he rather neglected precedents, but presented the argument to the jury so logically and persuasively that he seldom lost. This was partly due to the fact that he would never take a case in which he did not believe. His practice is illustrated by the following incident: After listening attentively in his Springfield office to a man who talked earnestly and in a low voice, Lincoln at length broke in: "Yes, we can doubtless gain your case for you; we can set a whole neighborhood at loggerheads; we can distress a widowed mother and her six fatherless children and thereby get you six hundred dollars to which you seem to have a legal claim, but which rightfully belongs, it appears to me, as much to the woman and her children as it does to you. You must remember that some things legally right are not morally right. We shall not take your case, but will give you a little advice for which we will charge you nothing. You seem to be a sprightly, energetic man; we would advise you to try your hand at making six hundred dollars in some other way."

In arguing a case he unerringly went to the root of the matter, stripped all verbiage from the idea, and presented the essential points with unfailing good humor, illustrated from an unrivalled fund of witty stories. One of his most famous trials was the defence

of Duff Armstrong against a charge of murder. The most damaging evidence was given by one Allen, who testified that he had seen Armstrong strike the blow between ten and eleven o'clock in the evening. When asked how he saw it, he said that the moon was shining brightly. Lincoln by his questions kept him repeating the statement until it stood out before the jury as the pivotal point in the case. At the close of his address to the jury he said he could prove Allen's testimony false. Allen never saw the blow struck, because between ten and eleven o'clock that night the moon was too low in the heavens. He then passed an almanac among the jurors to prove his statement. When the jury filed out, he said to the mother, "Aunt Hannah, your son will be free before sundown." And he was. For his services Lincoln accepted from her no fee. His fees were always smaller than other lawyers thought proper. Though he rose to the head of the bar of Illinois, and tried over a hundred cases before the Supreme Court of the state, his income was usually only between two and three thousand dollars a year.

II. LINCOLN AND SLAVERY

To understand the rest of his life we must now glance at his attitude toward slavery. Slavery became a question of national importance after Eli Whitney's invention of the cotton-gin in 1793, for only then did slave labor become profitable. To the ensuing controversy between the northern and the southern states a measure of peace was given in 1820 by the Missouri Compromise, which forbade slavery in all states to be admitted thereafter from territory north of 36° 30' north latitude, the southern boundary of Missouri.

When Lincoln began his political life in Illinois there was much sentiment in favor of slavery. An abolitionist was regarded as an Eastern crank. In 1837 the legislature even passed almost unanimously a set of resolutions disapproving of abolition societies and declaring the right of property in slaves sacred. Now Lincoln had seen something of the conditions of slavery on the Ohio River and in two trips to New Orleans. He early came to have a well-grounded opinion on the subject, and he always had the courage to act as he believed right. Consequently he, with a single other man, boldly signed a protest, affirming their belief that "the institution of slavery is founded on both injustice and bad policy."

In private life he was equally firm. To his friend Speed, a slaveholder, he wrote: "In 1841 you and I had together a tedious low-water trip on a steam-boat from Louisville to St. Louis. You may remember as well as I do that from Louisville to the mouth of the Ohio there were on board ten or a dozen slaves shackled together with irons. That sight was a constant torture to me."

The clearness of his vision on moral matters and the strength of his convictions appeared again while he was in Congress. He introduced a bill to prohibit the slave trade in the District of Columbia, and on the proposal to prohibit slavery in the territory that might be acquired by the country after the war with Mexico he said he voted "about forty-two times." Shortly after he left Congress the whole question was supposed to be closed by the Compromise of 1850. He settled down quietly in Springfield, losing interest in politics and devoting his energies to his law practice.

From this quiet he was aroused in 1854 by the passage of a bill giving territorial government to Kansas

and Nebraska. This measure, introduced by Senator Douglas of Illinois, repealed the Missouri Compromise and permitted the people who should settle in new territories to reject or establish slavery as they should see fit. Such was the theory of "popular sovereignty." Lincoln was aroused. He felt that slavery threatened to spread over the whole country. When Douglas returned to Illinois to defend himself, Lincoln was chosen to meet him. In a speech at the State Fair in Springfield his feelings came near stifling utterance. He quivered with emotion. The house was still as death. That winter in a race for the United States Senate he induced his followers against their will to vote against him so as to elect a Democrat who was opposed to Douglas's doctrines.

In the spring of 1855 he went to the convention at Bloomington at which the new Republican party was organized in Illinois. He was advised not to attend because the Republicans had gathered so little strength that to join with them would seal his political future. He not only appeared in the hall but responded to a spontaneous call to speak. His address has become famous as the "Lost Speech." One of the newspaper men said: "I became so absorbed in his magnetic oratory that I forgot myself and ceased to take notes; and joined with the convention in cheering and stamping and clapping to the end of his speech. . . . All the newspaper men present had been equally carried away." But they all wrote to their papers that his fervid and fearless address was the greatest speech ever made in Illinois.

The Democrats won the campaign of 1856, electing Buchanan president, but he was scarcely in the chair before the Republican party, though yet in its infancy, was solidified and greatly strengthened by the Dred Scott decision of the Supreme Court. This held in

effect that Congress could not exclude slavery from the territories. The agitation was growing more and more violent when the Republican convention met in June, 1858, at Springfield and designated Lincoln as its first and only choice as the successor of Stephen A. Douglas. For weeks Lincoln had been preparing for the speech of acceptance by jotting down on envelopes and stray pieces of paper ideas and phrases suitable for the occasion. The day before delivering it he read this carefully prepared address to some of his friends. They shook their heads at the figure in the first paragraph: "A house divided against itself cannot stand. I believe this government cannot endure permanently half slave and half free. I do not expect the house to fall—but I do expect it will cease to be divided. It will become all one thing or all the other." After listening patiently to their prediction of defeat, he rose from his chair and said: "If it is decreed that I should go down because of this speech, then let me go down linked to the truth—let me die in the advocacy of what is just and right." It was a demonstration of wisdom and courage very rare in political life.

The same penetrating insight into the essential elements of the question appeared in his celebrated debate with Douglas that summer and fall. It was the most exciting contest that had ever been held in Illinois. Halls were not large enough for the audiences. The speeches were delivered in the afternoon, in groves, or on the open prairie. The discussion served but to deepen Lincoln's two firmest convictions, that slavery was wrong and that Congress had the power and the right to control it in the territories. The first Douglas left in the background, but the second he was forced to deny. In the second of the seven meetings Lincoln propounded to Douglas

a question which all his friends told him would cost him the senatorship. It was: "Can the people of a United States territory in any lawful way, against the wish of any citizen of the United States, exclude slavery from its limits prior to the formation of a state constitution?" If Douglas answered No, Illinois would not elect him to the Senate. If he answered Yes, the South would abandon him. Lincoln saw this very clearly. He was willing to lose the senatorship if the Republicans could thereby gain enough strength to defeat Douglas in 1860. So he replied to his friends: "I am after larger game; the battle of 1860 is worth a hundred of this." It is most likely that he was thinking not of his own personal gain in that battle, but of the success of his party and principles. When his defeat was announced to him in November, he declared to a friend: "I am glad I made the late race. It gave me a hearing on the great and durable question of the age which I could have had in no other way; and though I now sink out of view and shall be forgotten, I believe I have made some marks which will tell for the cause of liberty long after I am gone."

Looking back at the contest, we admire Lincoln's political sagacity and moral grandeur. The effect at the time was to make him known all over the country as a leader in the growing party. He sprang "at once from the position of a capital fellow and a leading lawyer of Illinois to a national reputation." Douglas was at the time probably the foremost leader in political life. He was recognized as the readiest and ablest debater in the United States Senate. Yet he said of Lincoln: "I have been in Congress sixteen years, and there is not a man in the Senate I would not rather encounter in debate." The New York "Evening Post" said: "No man of his gen-

eration has grown more rapidly before the country than Lincoln in this canvass." An Eastern statesman asked: "Do you realize that no greater speeches have been made on public questions in the history of the country; that his knowledge of the subject is profound, his logic unanswerable, his style inimitable?"

The Illinois Republican Committee published both sides of the debate in a single volume in 1859. In 1860 it was reprinted in Ohio as a campaign document. His speeches thus obtained an unprecedented circulation in print. Everywhere they were read as the most complete and able statement of the Republican position. In fact, it was he who had welded into a harmonious whole the principles of this recently formed but rapidly growing organization. In 1859 he was induced to speak against Douglas in Ohio in the gubernatorial race. Douglas's Columbus speech of September 7 he honored by an immediate reply and by making it the starting-point for his most laboriously prepared political argument. Such was the address delivered at Cooper Institute in New York on February 27, 1860.

III. THE COOPER INSTITUTE ADDRESS

The man whose moral earnestness and self-disciplined mind had given him a profound comprehension of the whole slavery question eagerly seized the opportunity to address an Eastern audience. One morning in October, 1859, he rushed into his law office in Springfield with a letter from New York inviting him to lecture at Plymouth Church, Brooklyn. After some conference with his friends he replied that he would speak on the political situation some time late in February. Probably for financial reasons the

obligation for the course was assumed by the Young Men's Republican Union, which invited him on February 9, 1860, to deliver a lecture to an audience of the "better, but busier citizens, who never attend a political meeting."

He spent the winter in careful preparation in the state library at Springfield, turning over many volumes and searching narrowly the records of our early political history. Yet after this painstaking and thorough study he felt misgivings. When he arrived in New York, he learned that he would speak, not in Brooklyn, but in the auditorium of the recently completed Cooper Institute. Fearing he was not quite equal to the distinguished audience and the great opportunity it offered to impress himself on the East, he spent nearly two and a half days in going over the ground and revising his notes. He even arranged with a friend to sit in the rear of the hall and raise his high hat on a cane if he did not speak loudly enough. For the auditorium, which is still used for important public meetings, was then regarded as mammoth.

The night of February 27 was snowy. There was, besides, a charge of twenty-five cents for admission, so that the hall was not entirely filled. A large number of people preferred standing to sitting in the rear seats. It was an unusually intellectual and cultured audience that greeted him with loud and prolonged applause when David Dudley Field and William Cullen Bryant escorted him to the platform, which was crowded with distinguished Republicans. The "Tribune" had urged all Republicans to hear him because he might never be heard in the city again. Bryant introduced him merely as "an eminent citizen of the West, whom you know, or whom you have known hitherto only by fame."

But according to the report of the "Evening Post" the next day: "At the conclusion of Mr. Lincoln's address the great audience rose, almost to a man, and expressed their approbation by the most enthusiastic applause, the waving of handkerchiefs, and repeated cheers."

How he felt on that memorable occasion he related to his partner on his return home: "For once in his life he was greatly abashed over his personal appearance. The new suit of clothes which he donned on his arrival in New York were ill-fitting garments, and showed the creases made while packed in the valise; and for a long time after he began his speech and before he became 'warmed up' he imagined that the audience noticed the contrast between his Western clothes and the neat-fitting suits of Mr. Bryant and others who sat on the platform. The collar of his coat on the right side had an unpleasant way of flying up whenever he raised his arm to gesticulate. He imagined the audience noticed this also."

How others were impressed may be seen in the account of Hon. Joseph H. Choate, later ambassador to Great Britain and one of our greatest orators:

"He appeared in every sense of the word like one of the plain people among whom he loved to be counted. At first sight there was nothing impressive or imposing about him—except that his great stature singled him out of the crowd; his clothes hung awkwardly on his giant frame, his face was of a dark pallor, without the slightest tinge of color; his seamed and rugged features bore the furrows of hardship and struggle; his deep-set eyes looked sad and anxious; his countenance in repose gave little evidence of that brain power which had raised him from the lowest to the highest station among his countrymen; as he talked to me before the meeting, he seemed ill at ease, with

that sort of apprehension which a young man might feel before presenting himself to a new and strange audience, whose critical disposition he dreaded. It was a great audience, including all the noted men—all the learned and cultured—of his party in New York: editors, clergymen, statesmen, lawyers, merchants, critics. They were all very curious to hear him. His fame as a powerful speaker had preceded him, and exaggerated rumor of his wit—the worst forerunner of an orator—had reached the East. When Mr. Bryant presented him, on the high platform of the Cooper Institute, a vast sea of eager upturned faces greeted him, full of intense curiosity to see what this rude child of the people was like. He was equal to the occasion. When he spoke he was transformed; his eye kindled, his voice rang, his face shone and seemed to light up the whole assembly. For an hour and a half he held his audience in the hollow of his hand. His style of speech and manner of delivery were severely simple. What Lowell called ‘the grand simplicities of the Bible,’ with which he was so familiar, were reflected in his discourse. With no attempt at ornament or rhetoric, without parade or pretence, he spoke straight to the point. If any came expecting the turgid eloquence or the ribaldry of the frontier, they must have been startled at the earnest and sincere purity of his utterances. It was marvelous to see how this untutored man, by mere self-discipline and the chastening of his own spirit, had outgrown all meretricious arts, and found his own way to the grandeur and strength of absolute simplicity.”

The next morning the “Tribune” printed the following editorial:

“The Speech of ABRAHAM LINCOLN at the Cooper Institute last evening was one of the happiest and most

convincing political arguments ever made in this City, and was addressed to a crowded and most appreciating audience. Since the days of Clay and Webster, no man has spoken to a larger assemblage of the intellect and mental culture of our City. Mr. Lincoln is one of nature's orators, using his rare powers solely and effectively to elucidate and convince, though their inevitable effect is to delight and electrify as well. We present herewith a very full and accurate report of this Speech; yet the tones, the gestures, the kindling eye and the mirth-provoking look, defy the reporter's skill. The vast assemblage frequently rang with cheers and shouts of applause, which were prolonged and intensified at the close. No man ever before made such an impression on his first appeal to a New-York audience."

Yet the completeness of his success was not immediately understood. After the address he was taken to supper at the Athenaeum Club, where five or six of the Republicans who happened to be in the building were invited in. When the conversation turned on the prospects of the Republican party, one of those who had not heard him enquired: "Mr. Lincoln, what candidate do you really think would be most likely to carry Illinois?" Lincoln replied indirectly: "Illinois is a peculiar state, in three parts. In northern Illinois Mr. Seward would have a larger majority than I could get. In middle Illinois I think I could call out a larger vote than Mr. Seward. In southern Illinois it would make no difference who was the candidate." Nearly every one there took the answer to be merely illustrative.

When the party broke up, Mr. Nott, who edited the speech for campaign circulation, started to walk down to the Astor House with Lincoln. But as Lincoln was limping because his new boots hurt him, they

soon boarded a street car. Mr. Nott got off when it arrived at his street, allowing Lincoln, looking sad and lonely, to ride quite alone to the side door of the Astor House. When he next came to New York, he rode down Broadway at noonday, standing erect in an open barouche drawn by four white horses. Long lanes of patriotic citizens stood in the streets and on the sidewalks, or leaned from windows and from housetops to cheer him as the President of the United States.

BIBLIOGRAPHICAL NOTE ON LINCOLN

Of the almost innumerable lives of Lincoln, a very good short biography is that by Norman Hapgood, "Abraham Lincoln. The Man of the People" (Macmillan, 1909). It brings out clearly his closeness to the common people throughout his career. Probably the most interesting to the senior high school pupil is "Herndon's Lincoln. The True Story of a Great Life. The History and Personal Recollections of Abraham Lincoln by William H. Herndon. For Twenty Years his Friend and Law Partner." This appears in several editions, a good one being by Appleton (1909). A very complete and readable record is Ida M. Tarbell's "The Life of Abraham Lincoln." It attracted a good deal of attention when it ran in "McClure's Magazine," partly because of the profuse illustrations. (Doubleday & McClure Co., 1900.) An entertaining mine of information is Allen Thorndike Rice's "Reminiscences of Abraham Lincoln by Distinguished Men of his Time." Of the several editions a good one is issued by Harper & Brothers (1909). A study of his relation to our history and government is John T. Morse's "Abraham Lincoln" in the American Statesmen Series (Houghton Mifflin, 1893). The standard biography is that written by his secretaries, John G. Nicolay and John Hay, "Abraham Lincoln: A History." It is issued in ten volumes by the Century Company (1890). John G. Nicolay also wrote a "Short Life of Abraham Lincoln." (Century Company, 1902.) Boys and girls will be fascinated by Helen Nicolay's "Boy's

Life of Abraham Lincoln " (Century Company, 1906). A simple and clear account is Charles W. Moores's "The Life of Abraham Lincoln for Boys and Girls." The remarkable influence which Lincoln exerted over men is described in Alonzo Rothschild's "Lincoln, Master of Men" (Houghton Mifflin, 1906). His life and practices as a lawyer are recounted in Frederick Trevor Hill's "Lincoln the Lawyer" (Century Company, 1906).

Of the essays and addresses on Lincoln one of the most eloquent is that delivered by Joseph H. Choate before the Edinburgh Philosophical Institution on November 13, 1900, while he was our ambassador to Great Britain (T. Y. Crowell & Co., 1901). Ralph Waldo Emerson's remarks at the funeral services held in Concord, Massachusetts, April 19, 1865, (Complete Works, Vol. II, 1884), show how clearly his greatness was perceived at the time of his assassination. The same is seen in James Russell Lowell's essay, which appeared in the "North American Review" for January, 1864, as comment on Lincoln's annual message of December 9, 1863. (My Study Windows, 1871 or Political Essays, 1890.) An excellent review of his whole life is Carl Schurz's "Abraham Lincoln." (The essays of Schurz, Emerson, and Lowell are bound up together in the Riverside Literature Series.)

The "Complete Works of Abraham Lincoln" have been edited in two volumes by Nicolay and Hay (Century Company, 1894). A very handsome edition in twelve volumes is issued by the F. D. Tandy Company (1905-6). Probably the handiest edition of his "Speeches and Letters" is that edited by Merwin Roe in the Everyman's Library (E. P. Dutton). His "Speeches" have been compiled by L. E. Chittenden (Dodd, Mead & Company, 1895). An ex-

cellent edition of "Selections from Inaugurals, Addresses and Letters" is Dodge's (Longmans, Green, & Co., 1913). The most convenient edition of the Lincoln-Douglas Debates is George Haven Putnam's (G. P. Putnam's Sons, 1912). The edition of the Cooper Institute address which was issued in September, 1860, for campaign use, is printed in the appendix of George Haven Putnam's "Abraham Lincoln. The People's Leader in the Struggle for National Existence." (Putnam's, 1909.) Written for his children and grandchildren, the biography will give any boy or girl a good notion of Lincoln's place in our history. The speech is prefaced by several interesting letters as well as by the original introduction.

CHRONOLOGICAL TABLE

LIFE OF LINCOLN.	CONTEMPORARY BIOGRAPHY.	CONTEMPORARY AMERICAN HISTORY.
1809. Lincoln born, Feb. 12.	1809. Gladstone, Darwin, Tennyson, Poe, Holmes born. 1813. Douglas born.	1809. Madison President.
1816. Family moved to Indiana.		1816. Indiana admitted as a state.
1818. Mother died.		1818. Illinois admitted as a state.
1819. Father married Sarah Johnston.		1820. Missouri Compromise.
	1822. Grant born.	1821. Missouri admitted as a state.
1830. Family moved to Illinois.	1830. Douglas moved to New York.	1829. Jackson President.
1831. Settled in New Salem.		1830. Speeches of Hayne and Webster.
1832. Enlisted in the Black Hawk War; unsuccessful candidate for the legislature.		1831. Publication of <i>The Liberator</i> .
1833. Postmaster of New Salem; deputy surveyor's clerk.	1833. Douglas moved to Illinois.	1832. Founding of the New England Anti-Slavery Society.
1834. Elected to the legislature.	1834. Douglas admitted to the bar.	1833. Founding of the American Anti-Slavery Society.
1836. Re-elected to the legislature. Presidential Elector.	1835. Douglas elected State's Attorney.	
1837. Admitted to the bar. Moved to Springfield.	1836. Douglas elected to the legislature.	1837. Van Buren President. Murder of Owen Lovejoy.
1838. Re-elected to the legislature.	1837. Douglas appointed Register of the Land Office; nominated for Congress.	
1840. Presidential Elector.	1840. Douglas appointed Judge of the Illinois Supreme Court.	
1842. Married to Mary Todd.		1841. Harrison President. Tyler President.

CHRONOLOGICAL TABLE—Continued

LIFE OF LINCOLN	CONTEMPORARY BIOGRAPHY.	CONTEMPORARY AMERICAN HISTORY.
1844. Presidential Elector.	1844. Douglas elected to Congress.	1845. Polk President. Texas admitted as a state.
1846. Elected to Congress.	1847. Douglas elected U. S. Senator; moved to Chicago.	1846-48. War with Mexico.
1848. Presidential Elector.	1850. Death of Calhoun.	1849. Taylor President.
	1852. Death of Clay and of Webster.	1850. Fillmore President. Clay's Compromise Measure.
1854. Reëlected to the legislature.	1853. Douglas reëlected Senator.	1853. Pierce President.
1855. Resigned from the legislature. Candidate for the U. S. Senate.		1854. Kansas-Nebraska Bill.
1856. Candidate for nomination for Vice-President.		1856. Frémont first Republican candidate for the presidency. Civil war in Kansas.
1858. Candidate for the U. S. Senate.	1859. Douglas reëlected to the Senate.	1857. Buchanan President. The Dred Scott Decision.
1860. Cooper Institute Address. Elected President.	1860. Douglas Democratic candidate for the Presidency.	1858. Lincoln - Douglas Debates.
1861. Left Springfield, Feb. 11; inaugurated March 4.	1861. Douglas died, June 3. McClellan Commander-in-Chief.	1859. Death of John Brown.
1862. The Preliminary Emancipation Proclamation, Sept. 22.		1860. South Carolina Ordinance of Secession.
1863. The Final Emancipation Proclamation, Jan. 1. The Gettysburg Address, Nov. 19.		1861. Fall of Fort Sumter, April 12. Battle of Bull Run, July 21. Kansas admitted as a state.
1864. Reëlected to the Presidency.	1864. Grant appointed Lieutenant-General.	1862. Slavery abolished in the District of Columbia, April 16.
1865. Inaugurated, Mar. 4. Assassinated, April 14; died, April 15; buried at Springfield, May 4.		1863. Battle of Gettysburg, July 1-5.
		1864. Battles of the Wilderness, May 6-7.
		1865. Fall of Richmond, April 3. Surrender of Lee, April 9. Johnson sworn in as President, April 15.

MACAULAY'S
SPEECHES ON COPYRIGHT

THE FIRST SPEECH ON COPYRIGHT

DELIVERED IN THE HOUSE OF COMMONS

FEBRUARY 5TH, 1841

THOUGH, Sir, it is in some sense agreeable to approach a subject with which political animosities have nothing to do, I offer myself to your notice with some reluctance. It is painful to me to take a course which may possibly be misunderstood or misrepresented as unfriendly to the interests of literature and literary men. It is painful to me, I will add, to oppose my honorable and learned friend on a question which he has taken up from the purest motives, and which he regards with a parental interest. These feelings have hitherto kept me silent when the law of copyright has been under discussion. But as I am, on full consideration, satisfied that the measure before us will, if adopted, inflict grievous injury on the public, without conferring any compensating advantage on men of letters, I think it my duty to avow that opinion and to defend it.

The first thing to be done, Sir, is to settle on what principles the question is to be argued. Are we free to legislate for the public good, or are we not? Is this a question of expediency, or is it a question of right? Many of those who have written and petitioned against the existing state of things treat the question as one of right. The law of nature,

according to them, gives to every man a sacred and indefeasible property in his own ideas, in the fruits of his own reason and imagination. The legislature has indeed the power to take away this property, 5 just as it has the power to pass an act of attainder for cutting off an innocent man's head without a trial. But, as such an act of attainder would be legal murder, so would an act invading the right of an author to his copy be according to these gentlemen, legal 10 robbery.

Now, Sir, if this be so, let justice be done, cost what it may. I am not prepared, like my honorable and learned friend, to agree to a compromise between right and expediency, and to commit an injustice for 15 the public convenience. But I must say, that his theory soars far beyond the reach of my faculties. It is not necessary to go, on the present occasion, into a metaphysical inquiry about the origin of the right of property; and certainly nothing but the 20 strongest necessity would lead me to discuss a subject so likely to be distasteful to the House. I agree, I own, with Paley in thinking that property is the creature of the law, and that the law which creates property can be defended only on this ground, that it 25 is a law beneficial to mankind. But it is unnecessary to debate that point. For, even if I believed in a natural right of property, independent of utility and anterior to legislation, I should still deny that this right could survive the original proprietor. Few, I 30 apprehend, even of those who have studied in the most mystical and sentimental schools of moral philosophy, will be disposed to maintain that there is a natural law of succession older and of higher authority than any human code. If there be, it is 35 quite certain that we have abuses to reform much more serious than any connected with the question of

copyright. For this natural law can be only one; and the modes of succession in the Queen's dominions are twenty. To go no further than England, land generally descends to the eldest son. In Kent the sons share and share alike. In many districts the 5 youngest takes the whole. Formerly a portion of a man's personal property was secured to his family; and it was only of the residue that he could dispose by will. Now he can dispose of the whole by will: but you limited his power, a few years ago, by enact-10 ing that the will should not be valid unless there were two witnesses. If a man dies intestate, his personal property generally goes according to the statute of distributions; but there are local customs which modify that statute. Now which of all these systems 15 is conformed to the eternal standard of right? Is it primogeniture, or gavelkind, or borough English? Are wills *jure divino*? Are the two witnesses *jure divino*? Might not the *pars rationabilis* of our old law have a fair claim to be regarded as of celestial 20 institution? Was the statute of distributions enacted in Heaven long before it was adopted by Parliament? Or is it to Custom of York, or to Custom of London, that this preëminence belongs? Surely, Sir, even those who hold that there is a natural right of prop-25 erty must admit that rules prescribing the manner in which the effects of deceased persons shall be distributed are purely arbitrary, and originate altogether in the will of the legislature. If so, Sir, there is no controversy between my honorable and learned 30 friend and myself as to the principles on which this question is to be argued. For the existing law gives an author copyright during his natural life; nor do I propose to invade that privilege, which I should, on the contrary, be prepared to defend strenuously 35 against any assailant. The only point in issue be-

tween us is, how long after an author's death the State shall recognize a copyright in his representatives and assigns; and it can, I think, hardly be disputed by any rational man that this is a point
5 which the legislature is free to determine in the way which may appear to be most conducive to the general good.

We may now, therefore, I think, descend from these high regions, where we are in danger of being
10 lost in the clouds, to firm ground and clear light. Let us look at this question like legislators, and after fairly balancing conveniences and inconveniences, pronounce between the existing law of copyright and the law now proposed to us. The question of copy-
15 right, Sir, like most questions of civil prudence, is neither black nor white, but gray. The system of copyright has great advantages and great disadvantages; and it is our business to ascertain what these are, and then to make an arrangement under
20 which the advantages may be as far as possible secured, and the disadvantages as far as possible excluded. The charge which I bring against my honorable and learned friend's bill is this, that it leaves the advantages nearly what they are at present,
25 and increases the disadvantages at least four-fold.

The advantages arising from a system of copyright are obvious. It is desirable that we should have a supply of good books: we cannot have such a supply unless men of letters are liberally remun-
30 erated; and the least objectionable way of remunerating them is by means of copyright. You cannot depend for literary instruction and amusement on the leisure of men occupied in the pursuits of active life. Such men may occasionally produce com-
35 positions of great merit. But you must not look to such men for works which require deep meditation

and long research. Works of that kind you can expect only from persons who make literature the business of their lives. Of these persons few will be found among the rich and the noble. The rich and the noble are not impelled to intellectual exertion by necessity. They may be impelled to intellectual exertion by the desire of distinguishing themselves, or by the desire of benefiting the community. But it is generally within these walls that they seek to signalize themselves and to serve their fellow creatures. Both their ambition and their public spirit, in a country like this, naturally take a political turn. It is then on men whose profession is literature, and whose private means are not ample, that you must rely for a supply of valuable books. Such men must be remunerated for their literary labor. And there are only two ways in which they can be remunerated. One of those ways is patronage; the other is copy-right.

There have been times in which men of letters looked, not to the public, but to the government, or to a few great men, for the reward of their exertions. It was thus in the time of Mæcenas and Pollio at Rome, of the Medici at Florence, of Lewis the Fourteenth in France, of Lord Halifax and Lord Oxford in this country. Now, Sir, I well know that there are cases in which it is fit and graceful, nay, in which it is a sacred duty to reward the merits or to relieve the distresses of men of genius by the exercise of this species of liberality. But these cases are exceptions. I can conceive no system more fatal to the integrity and independence of literary men than one under which they should be taught to look for their daily bread to the favor of ministers and nobles. I can conceive no system more certain to turn those minds which are formed by nature to be the blessings and

ornaments of our species into public scandals and pests.

We have, then, only one resource left. We must betake ourselves to copyright, be the inconveniences of copyright what they may. Those inconveniences, in truth, are neither few nor small. Copyright is monopoly, and produces all the effects which the general voice of mankind attributes to monopoly. My honorable and learned friend talks very contemptuously of those who are led away by the theory that monopoly makes things dear. That monopoly makes things dear is certainly a theory, as all the great truths which have been established by the experience of all ages and nations, and which are taken for granted in all reasonings, may be said to be theories. It is a theory in the same sense in which it is a theory that day and night follow each other, that lead is heavier than water, that bread nourishes, that arsenic poisons, that alcohol intoxicates. If, as my honorable and learned friend seems to think, the whole world is in the wrong on this point, if the real effect of monopoly is to make articles good and cheap, why does he stop short in his career of change? Why does he limit the operation of so salutary a principle to sixty years? Why does he consent to anything short of a perpetuity? He told us that in consenting to anything short of a perpetuity he was making a compromise between extreme right and expediency. But if his opinion about monopoly be correct, extreme right and expediency would coincide. Or rather why should we not restore the monopoly of the East India trade to the East India Company? Why should we not revive all those old monopolies which, in Elizabeth's reign, galled our fathers so severely that, maddened by intolerable wrong, they opposed to their sovereign a resistance before which

her haughty spirit quailed for the first and for the last time? Was it the cheapness and excellence of commodities that then so violently stirred the indignation of the English people? I believe, Sir, that I may safely take it for granted that the effect of monopoly generally is to make articles scarce, to make them dear, and to make them bad. And I may with equal safety challenge my honorable friend to find out any distinction between copyright and other privileges of the same kind; any reason why a monopoly of books should produce an effect directly the reverse of that which was produced by the East India Company's monopoly of tea, or by Lord Essex's monopoly of sweet wines. Thus, then, stands the case. It is good that authors should be remunerated; and the least exceptionable way of remunerating them is by a monopoly. Yet monopoly is an evil. For the sake of the good we must submit to the evil; but the evil ought not to last a day longer than is necessary for the purpose of securing the good.

Now, I will not affirm, that the existing law is perfect, that it exactly hits the point at which the monopoly ought to cease; but this I confidently say, that the existing law is very much nearer that point than the law proposed by my honorable and learned friend. For consider this; the evil effects of the monopoly are proportioned to the length of its duration. But the good effects for the sake of which we bear with the evil effects are by no means proportioned to the length of its duration. A monopoly of sixty years produces twice as much evil as a monopoly of thirty years, and thrice as much evil as a monopoly of twenty years. But it is by no means the fact that a posthumous monopoly of sixty years gives to an author thrice as much pleasure and thrice

as strong a motive as a posthumous monopoly of twenty years. On the contrary, the difference is so small as to be hardly perceptible. We all know how faintly we are affected by the prospect of very
5 distant advantages, even when they are advantages which we may reasonably hope that we shall ourselves enjoy. But an advantage that is to be enjoyed more than half a century after we are dead, by somebody, we know not by whom, perhaps by somebody
10 unborn, by somebody utterly unconnected with us, is really no motive at all to action. It is very probable, that in the course of some generations, land in the unexplored and unmapped heart of the Australasian continent, will be very valuable. But there is none
15 of us who would lay down five pounds for a whole province in the heart of the Australasian continent. We know, that neither we, nor anybody for whom we care, will ever receive a farthing of rent from such a province. And a man is very little moved by the
20 thought that in the year 2000 or 2100, somebody who claims through him will employ more shepherds than Prince Esterhazy, and will have the finest house and gallery of pictures at Victoria or Sydney. Now, this is the sort of boon which my honorable and learned
25 friend holds out to authors. Considered as a boon to them, it is a mere nullity; but, considered as an impost on the public, it is no nullity, but a very serious and pernicious reality. I will take an example. Dr. Johnson died fifty-six years ago. If the
30 law were what my honorable and learned friend wishes to make it, somebody would now have the monopoly of Dr. Johnson's works. Who that somebody would be it is impossible to say; but we may venture to guess. I guess, then, that it would have
35 been some bookseller, who was the assign of another bookseller, who was the grandson of a third book-

seller, who had bought the copyright from Black Frank, the Doctor's servant and residuary legatee, in 1785 or 1786. Now, would the knowledge that this copyright would exist in 1841 have been a source of gratification to Johnson? Would it have stimulated 5 his exertions? Would it have once drawn him out of his bed before noon? Would it have once cheered him under a fit of the spleen? Would it have induced him to give us one more allegory, one more life of a poet, one more imitation of Juvenal? I firmly 10 believe not. I firmly believe that a hundred years ago, when he was writing our debates for the Gentleman's Magazine, he would very much rather have had twopence to buy a plate of shin of beef at a cook's shop underground. Considered as a reward to him, 15 the difference between a twenty years' term and a sixty years' term of posthumous copyright would have been nothing or next to nothing. But is the difference nothing to us? I can buy *Rasselas* for sixpence; I might have had to give five shillings for it. I can buy 20 the Dictionary, the entire genuine Dictionary, for two guineas, perhaps for less; I might have had to give five or six guineas for it. Do I grudge this to a man like Dr. Johnson? Not at all. Show me that the prospect of this boon roused him to any vigorous 25 effort, or sustained his spirits under depressing circumstances, and I am quite willing to pay the price of such an object, heavy as that price is. But what I do complain of is that my circumstances are to be worse, and Johnson's none the better; that I am 30 to give five pounds for what to him was not worth a farthing.

The principle of copyright is this. It is a tax on readers for the purpose of giving a bounty to writers. The tax is an exceedingly bad one; it is a tax on 35 one of the most innocent and most salutary of human

pleasures; and never let us forget, that a tax on innocent pleasures is a premium on vicious pleasures. I admit, however, the necessity of giving a bounty to genius and learning. In order to give such a bounty, 5 I willingly submit even to this severe and burdensome tax. Nay, I am ready to increase the tax, if it can be shown that by so doing I should proportionally increase the bounty. My complaint is, that my honorable and learned friend doubles, triples, quad- 10 rupes, the tax, and makes scarcely any perceptible addition to the bounty. Why, Sir, what is the additional amount of taxation which would have been levied on the public for Dr. Johnson's works alone, if my honorable and learned friend's bill had 15 been the law of the land? I have not data sufficient to form an opinion. But I am confident that the taxation on his Dictionary alone would have amounted to many thousands of pounds. In reckoning the whole additional sum which the holders of his copy- 20 rights would have taken out of the pockets of the public during the last half century at twenty thousand pounds, I feel satisfied that I very greatly underrate it. Now, I again say that I think it but fair that we should pay twenty thousand pounds in consideration 25 of twenty thousand pounds worth of pleasure and encouragement received by Dr. Johnson. But I think it very hard that we should pay twenty thousand pounds for what he would not have valued at five shillings.

30 My honorable and learned friend dwells on the claims of the posterity of great writers. Undoubtedly, Sir, it would be very pleasing to see a descendant of Shakespeare living in opulence on the fruits of his great ancestor's genius. A house maintained in 35 splendor by such a patrimony would be a more interesting and striking object than Blenheim is to

us, or than Strathfieldsaye will be to our children. But, unhappily, it is scarcely possible that, under any system, such a thing can come to pass. My honorable and learned friend does not propose that copyright shall descend to the eldest son, or shall be bound up by irrevocable entail. It is to be merely personal property. It is therefore highly improbable that it will descend during sixty years or half that term from parent to child. The chance is that more people than one will have an interest in it. They will in all probability sell it and divide the proceeds. The price which a bookseller will give for it will bear no proportion to the sum which he will afterwards draw from the public, if his speculation proves successful. He will give little, if anything, more for a term of sixty years than for a term of thirty or five and twenty. The present value of a distant advantage is always small; but when there is great room to doubt whether a distant advantage will be any advantage at all, the present value sinks to almost nothing. Such is the inconstancy of the public taste that no sensible man will venture to pronounce, with confidence, what the sale of any book published in our days will be in the years between 1890 and 1900. The whole fashion of thinking and writing has often undergone a change in a much shorter period than that to which my honorable and learned friend would extend posthumous copyright. What would have been considered the best literary property in the earlier part of Charles the Second's reign? I imagine Cowley's poems. Overleap sixty years, and you are in the generation of which Pope asked, "Who now reads Cowley?" What works were ever expected with more impatience by the public than those of Lord Bolingbroke, which appeared, I think, in 1754? In 1814, no bookseller would have thanked you for

the copyright of them all, if you had offered it to him for nothing. What would Paternoster Row give now for the copyright of Hayley's *Triumphs of Temper*, so much admired within the memory of many people still living? I say, therefore, that, from the very nature of literary property, it will almost always pass away from an author's family; and I say, that the price given for it to the family will bear a very small proportion to the tax which the purchaser, if his speculation turns out well, will in the course of a long series of years levy on the public.

If, Sir, I wished to find a strong and perfect illustration of the effects which I anticipate from long copyright, I should select,—my honorable and learned friend will be surprised,—I should select the case of Milton's granddaughter. As often as this bill has been under discussion, the fate of Milton's granddaughter had been brought forward by the advocates of monopoly. My honorable and learned friend has repeatedly told the story with great eloquence and effect. He has dilated on the sufferings; on the abject poverty, of this illfated woman, the last of an illustrious race. He tells us that, in the extremity of her distress, Garrick gave her a benefit performance of "Comus," that Johnson wrote a prologue, and that the public contributed some hundreds of pounds. Was it fit, he asks, that she should receive, in this eleemosynary form, a small portion of what was in truth a debt? Why, he asks, instead of obtaining a pittance from charity, did she not live in comfort and luxury on the proceeds of the sale of her ancestor's works? But, Sir, will my honorable and learned friend tell me that this event, which he has so often and so pathetically described, was caused by the shortness of the term of copyright? Why, at that time, the duration of copyright was longer than even he, at present, pro-

poses to make it. The monopoly lasted not sixty years, but for ever. At the time at which Milton's granddaughter asked charity, Milton's works were the exclusive property of a bookseller. Within a few months of the day on which the benefit was 5 given at Garrick's theatre, the holder of the copyright of *Paradise Lost*,—I think it was Tonson,—applied to the Court of Chancery for an injunction against a bookseller, who had published a cheap edition of the great epic poem, and obtained the in-10 junction. The representation of Comus was, if I remember rightly, in 1750; the injunction in 1752. Here, then, is a perfect illustration of the effect of long copyright. Milton's works are the property of a single publisher. Everybody who wants them must 15 buy them at Tonson's shop, and at Tonson's price. Whoever attempts to undersell Tonson is harassed with legal proceedings. Thousands who would gladly possess a copy of *Paradise Lost*, must forego that great enjoyment. And what, in the meantime, is the 20 situation of the only person for whom we can suppose that the author, protected at such a cost to the public, was at all interested? She is reduced to utter destitution. Milton's works are under a monopoly. Milton's granddaughter is starving. The reader is 25 pillaged; but the writer's family is not enriched. Society is taxed doubly. It has to give an exorbitant price for the poems; and it has at the same time to give alms to the only surviving descendant of the poet. 30

But this is not all. I think it right, Sir, to call the attention of the House to an evil, which is perhaps more to be apprehended when the author's copyright remains in the hands of his family, than when it is transferred to booksellers. I seriously fear 35 that, if such a measure as this should be adopted,

many valuable works will be either totally suppressed or grievously mutilated. I can prove that this danger is not chimerical; and I am quite certain that, if the danger be real, the safeguards which my honorable
5 and learned friend has devised are altogether nugatory. That the danger is not chimerical may easily be shown. Most of us, I am sure, have known persons who, very erroneously as I think, but from the best motives, would not choose to reprint Fielding's
10 novels, or Gibbon's History of the Decline and Fall of the Roman Empire. Some gentlemen may perhaps be of opinion, that it would be as well if Tom Jones and Gibbon's History were never reprinted. I will not, then, dwell on these or similar cases. I
15 will take cases respecting which it is not likely that there will be any difference of opinion here; cases, too, in which the danger of which I now speak is not matter of supposition, but matter of fact. Take Richardson's novels. Whatever I may, on the pres-
20 ent occasion, think of my honorable and learned friend's judgment as a legislator, I must always respect his judgment as a critic. He will, I am sure, say that Richardson's novels are among the most valuable, among the most original works in our
25 language. No writings have done more to raise the fame of English genius in foreign countries. No writings are more deeply pathetic. No writings, those of Shakespeare excepted, show more profound knowledge of the human heart. As to their moral
30 tendency, I can cite the most respectable testimony. Dr. Johnson describes Richardson as one who had taught the passions to move at the command of virtue. My dear and honored friend, Mr. Wilberforce, in his celebrated religious treatise, when speaking of
35 the unchristian tendency of the fashionable novels of the eighteenth century, distinctly excepts Rich-

ardson from the censure. Another excellent person whom I can never mention without respect and kindness, Mrs. Hannah More, often declared in conversation, and has declared in one of her published poems, that she first learned from the writings of 5 Richardson those principles of piety by which her life was guided. I may safely say the books celebrated as works of art through the whole civilized world, and praised for their moral tendency by Dr. Johnson, by Mr. Wilberforce, by Mrs. Hannah More, 10 ought not to be suppressed. Sir, it is my firm belief, that if the law had been what my honorable and learned friend proposes to make it, they would have been suppressed. I remember Richardson's grandson well; he was a clergyman in the city of London; 15 he was a most upright and excellent man: but he had conceived a strong prejudice against works of fiction. He thought all novel-reading not only frivolous but sinful. He said,—this I state on the authority of one of his clerical brethren who is now a bishop, 20—he said that he had never thought it right to read one of his grandfather's books. Suppose, Sir, that the law had been what my honorable and learned friend would make it. Suppose that the copyright of Richardson's novels had descended, as might 25 well have been the case, to this gentleman. I firmly believe, that he would have thought it sinful to give them a wide circulation. I firmly believe, that he would not for a hundred thousand pounds have deliberately done what he thought sinful. He would 30 not have reprinted them. And what protection does my honorable and learned friend give to the public in such a case? Why, Sir, what he proposes is this: if a book is not reprinted during five years, any person who wishes to reprint it may give notice 35 in the London Gazette: the advertisement must be

repeated three times: a year must elapse; and then, if the proprietor of the copyright does not put forth a new edition, he loses his exclusive privilege. Now, what protection is this to the public? What is a
5 new edition? Does the law define the number of copies that make an edition? Does it limit the price of a copy? Are twelve copies on large paper, charged at thirty guineas each, an edition? It has been usual, when monopolies have been granted, to
10 prescribe numbers and to limit prices. But I do not find that my honorable and learned friend proposes to do so in the present case. And, without some such provision, the security which he offers is manifestly illusory. It is my conviction, that under
15 such a system as that which he recommends to us, a copy of *Clarissa* would have been as rare as an *Aldus* or a *Caxton*.

I will give another instance. One of the most instructive, interesting, and delightful books in our
20 language is *Boswell's Life of Johnson*. Now it is well known that *Boswell's* eldest son considered this book, considered the whole relation of *Boswell* to *Johnson*, as a blot in the escutcheon of the family. He thought, not perhaps altogether without reason,
25 that his father had exhibited himself in a ludicrous and degrading light. And thus he became so sore and irritable that at last he could not bear to hear the *Life of Johnson* mentioned. Suppose that the law had been what my honorable and learned friend
30 wishes to make it. Suppose that the copyright of *Boswell's Life of Johnson* had belonged, as it well might, during sixty years, to *Boswell's* eldest son. What would have been the consequence? An unadulterated copy of the finest biographical work in
35 the world would have been as scarce as the first edition of *Camden's Britannia*.

These are strong cases. I have shown you that, if the law had been what you are now going to make it, the finest prose work of fiction in the language, the finest biographical work in the language, would very probably have been suppressed. But I have stated 5 my case weakly. The books which I have mentioned are singularly inoffensive books, books not touching on any of those questions which drive even wise men beyond the bounds of wisdom. There are books of a very different kind, books which are the rallying 10 points of great political and religious parties. What is likely to happen if the copyright of one of these books should by descent or transfer come into the possession of some hostile zealot? I will take a single instance. It is only fifty years since John Wesley 15 died; and all his works, if the law had been what my honorable and learned friend wishes to make it, would now have been the property of some person or other. The sect founded by Wesley is the most numerous, the wealthiest, the most powerful, the 20 most zealous of sects. In every parliamentary election it is a matter of the greatest importance to obtain the support of the Wesleyan Methodists. Their numerical strength is reckoned by hundreds of thousands. They hold the memory of their founder 25 in the greatest reverence; and not without reason, for he was unquestionably a great and a good man. To his authority they constantly appeal. His works are in their eyes of the highest value. His doctrinal writings they regard as containing the best system of 30 theology ever deduced from Scripture. His journals, interesting even to the common reader, are peculiarly interesting to the Methodist: for they contain the whole history of that singular polity which, weak and despised in its beginning, is now, after the lapse of a 35 century, so strong, so flourishing, and so formidable.

The hymns to which he gave his Imprimatur are a most important part of the public worship of his followers. Now, suppose that the copyright of these works should belong to some person who holds the
5 memory of Wesley and the doctrines and discipline of the Methodists in abhorrence. There are many such persons. The Ecclesiastical Courts are at this very time sitting on the case of a clergyman of the Established Church who refused Christian burial to
10 a child baptized by a Methodist preacher. I took up the other day a work which is considered as among the most respectable organs of a large and growing party in the Church of England, and there I saw John Wesley designated as a forsworn priest. Sup-
15 pose that the works of Wesley were suppressed. Why, Sir, such a grievance would be enough to shake the foundations of Government. Let gentlemen who are attached to the Church reflect for a moment what their feelings would be if the Book of Common
20 Prayer were not to be reprinted for thirty or forty years, if the price of a Book of Common Prayer were run up to five or ten guineas. And then let them determine whether they will pass a law under which it is possible, under which it is probable, that so in-
25 tolerable a wrong may be done to some sect consisting perhaps of half a million of persons.

I am so sensible, Sir, of the kindness with which the House has listened to me, that I will not detain you longer. I will only say this, that if the measure
30 before us should pass, and should produce one-tenth part of the evil which it is calculated to produce, and which I fully expect it to produce, there will soon be a remedy, though of a very objectionable kind. Just as the absurd acts which prohibited the sale of game
35 were virtually repealed by the poacher, just as many absurd revenue acts have been virtually repealed by

the smuggler, so will this law be virtually repealed by piratical booksellers. At present the holder of copyright has the public feeling on his side. Those who invade copyright are regarded as knaves who take the bread out of the mouths of deserving men. Every- 5 body is well pleased to see them restrained by the law, and compelled to refund their ill-gotten gains. No tradesmen of good repute will have anything to do with such disgraceful transactions. Pass this law: and that feeling is at an end. Men very dif- 10 ferent from the present race of piratical booksellers will soon infringe this intolerable monopoly. Great masses of capital will be constantly employed in the violation of the law. Every art will be employed to evade legal pursuit; and the whole nation will be 15 in the plot. On which side indeed should the public sympathy be when the question is whether some book as popular as Robinson Crusoe, or the Pilgrim's Progress, shall be in every cottage, or whether it shall be confined to the libraries of the rich for the advantage 20 of the great-grandson of a bookseller who, a hundred years before, drove a hard bargain for the copyright with the author when in great distress? Remember too that, when once it ceases to be considered as wrong and discreditable to invade literary property, 25 no person can say where the invasion will stop. The public seldom makes nice distinctions. The wholesome copyright which now exists will share in the disgrace and danger of the new copyright which you are about to create. And you will find that, in at- 30 tempting to impose unreasonable restraints on the reprinting of the works of the dead, you have, to a great extent, annulled those restraints which now prevent men from pillaging and defrauding the living. If I saw, Sir, any probability that this bill could be so 35 amended in the Committee that my objections might

be removed, I would not divide the House in this stage. But I am so fully convinced that no alteration which would not seem insupportable to my honorable and learned friend, could render his measure
5 supportable to me, that I must move, though with regret, that this bill be read a second time this day six months.

THE SECOND SPEECH ON COPYRIGHT

DELIVERED IN THE HOUSE OF COMMONS

APRIL 6TH, 1842

I HAVE been amused and gratified by the remarks which my noble friend has made on the arguments by which I prevailed on the last House of Commons to reject the bill introduced by a very able and accomplished man, Mr. Serjeant Talfourd. My noble friend has done me a high and rare honor. For this is, I believe, the first occasion on which a speech made in one Parliament has been answered in another. I should not find it difficult to vindicate the soundness of the reasons which I formerly urged; 10 to set them in a clearer light, and to fortify them by additional facts. But it seems to me that we had better discuss the bill which is now on our table than the bill which was there fourteen months ago. Glad I am to find that there is a very wide difference be- 15 tween the two bills, and that my noble friend, though he has tried to refute my arguments, has acted as if he had been convinced by them. I objected to the term of sixty years as far too long. My noble friend has cut that term down to twenty-five years. 20 I warned the House that, under the provisions of Mr. Serjeant Talfourd's bill, valuable works might not improbably be suppressed by the representatives of authors. My noble friend has prepared a clause

which, as he thinks, will guard against that danger. I will not therefore waste the time of the Committee by debating points which he has conceded, but will proceed at once to the proper business of this evening.

Sir, I have no objection to the principle of my noble friend's bill. Indeed, I had no objection to the principle of the bill of last year. I have long thought that the term of copyright ought to be extended. When Mr. Serjeant Talfourd moved for leave to bring in his bill, I did not oppose the motion. Indeed I meant to vote for the second reading, and to reserve what I had to say for the Committee. But the learned Serjeant left me no choice. He, in strong language, begged that nobody who was disposed to reduce the term of sixty years would divide with him. "Do not," he said, "give me your support if all that you mean to grant to men of letters is a miserable addition of fourteen or fifteen years to the present term. I do not wish for such support. I despise it." Not wishing to obtrude on the learned Serjeant a support which he despised, I had no course left but to take the sense of the House on the second reading. The circumstances are now different. My noble friend's bill is not at present a good bill; but it may be improved into a very good bill; nor will he, I am persuaded, withdraw it if it should be so improved. He and I have the same object in view but we differ as to the best mode of attaining that object. We are equally desirous to extend the protection now enjoyed by writers. In what way it may be extended with most benefit to them and with least inconvenience to the public, is the question.

The present state of the law is this. The author of a work has a certain copyright in that work for a term of twenty-eight years. If he should live more

than twenty-eight years after the publication of the work, he retains the copyright to the end of his life.

My noble friend does not propose to make any addition to the term of twenty-eight years. But he proposes that the copyright shall last twenty-five 5 years after the author's death. Thus my noble friend makes no addition to that term which is certain, but makes a very large addition to that term which is uncertain.

My plan is different. I would make no addition 10 to the uncertain term; but I would make a large addition to the certain term. I propose to add fourteen years to the twenty-eight years which the law now allows to an author. His copyright will, in this way, last till his death, or till the expiration of forty-15 two years, whichever shall first happen. And I think that I shall be able to prove to the satisfaction of the Committee that my plan will be more beneficial to literature and to literary men than the plan of my noble friend.

20

It must surely, Sir, be admitted that the protection which we give to books ought to be distributed as evenly as possible, that every book should have a fair share of that protection, and no book more than a fair share. It would evidently be absurd to put 25 tickets into a wheel, with different numbers marked upon them, and to make writers draw, one a term of twenty-eight years, another a term of fifty, another a term of ninety. And yet this sort of lottery is what my noble friend proposes to establish. I know that 30 we cannot altogether exclude chance. You have two terms of copyright; one certain, the other uncertain; and we cannot, I admit, get rid of the uncertain term. It is proper, no doubt, that an author's copyright should last during his life. But, Sir, though we can-35 not altogether exclude chance, we can very much

diminish the share which chance must have in distributing the recompense which we wish to give to genius and learning. By every addition which we make to the certain term we diminish the influence of chance; by every addition which we make to the uncertain term we increase the influence of chance. I shall make myself best understood by putting cases. Take two eminent female writers, who died within our own memory, Madame D'Arblay and Miss Austen. As the law now stands, Miss 'Austen's charming novels would have only from twenty-eight to thirty-three years of copyright. For that extraordinary woman died young: she died before her genius was fully appreciated by the world. Madame D'Arblay outlived the whole generation to which she belonged. The copyright of her celebrated novel, *Evelina*, lasted, under the present law, sixty-two years. Surely this inequality is sufficiently great, sixty-two years of copyright for *Evelina*, only twenty-eight for *Persuasion*. But to my noble friend this inequality seems not great enough. He proposes to add twenty-five years to Madame D'Arblay's term, and not a single day to Miss Austen's term. He would give to *Persuasion* a copyright of only twenty-eight years, as at present, and to *Evelina* a copyright more than three times as long, a copyright of eighty-seven years. Now, is this reasonable? See, on the other hand, the operation of my plan. I make no addition at all to Madame D'Arblay's term of sixty-two years, which is, in my opinion, quite long enough; but I extend Miss Austen's term to forty-two years, which is, in my opinion, not too much. You see, Sir, that at present chance has too much sway in this matter; that at present the protection which the state gives to letters is very unequally given. You see that if my noble friend's plan be adopted, more will be left

to chance than under the present system, and you will have such inequalities as are unknown under the present system. You see also that, under the system which I recommend, we shall have, not perfect certainty, not perfect equality, but much less 5 uncertainty and inequality than at present.

But this is not all. My noble friend's plan is not merely to institute a lottery in which some writers will draw prizes and some will draw blanks. It is much worse than this. His lottery is so contrived that, in 10 the vast majority of cases, the blanks will fall to the best books, and the prizes to books of inferior merit.

Take Shakespeare. My noble friend gives a longer protection than I should give to *Love's Labour's Lost*, and *Pericles, Prince of Tyre*; but he gives a shorter 15 protection than I should give to *Othello* and *Macbeth*.

Take Milton. Milton died in 1674. The copyrights of Milton's great works would, according to my noble friend's plan, expire in 1699. *Comus* appeared in 1634, the *Paradise Lost* in 1668. To *Comus*, then, 20 my noble friend would give sixty-five years of copyright, and to the *Paradise Lost* only thirty-one years. Is that reasonable? *Comus* is a noble poem: but who would rank it with the *Paradise Lost*? My plan would give forty-two years both to the *Paradise Lost* 25 and to *Comus*.

Let us pass on from Milton to Dryden. My noble friend would give more than sixty years of copyright to Dryden's worst works; to the encomiastic verses on Oliver Cromwell, to the *Wild Gallant*, to 30 the *Rival Ladies*, to other wretched pieces as bad as any thing written by Flecknoe or Settle: but for *Theodore* and *Honorina*, for *Tancred* and *Sigismunda*, for *Cimon* and *Iphigenia*, for *Palamon* and *Arcite*, for *Alexander's Feast*, my noble friend thinks a copy- 35 right of twenty-eight years sufficient. Of all Pope's

works, that to which my noble friend would give the largest measure of protection is the volume of Pastorals, remarkable only as the production of a boy. Johnson's first work was a Translation of a Book of
5 Travels in Abyssinia, published in 1735. It was so poorly executed that in his later years he did not like to hear it mentioned. Boswell once picked up a copy of it, and told his friend that he had done so. "Do not talk about it," said Johnson: "it is a thing to
10 be forgotten." To this performance my noble friend would give protection during the enormous term of seventy-five years. To the Lives of the Poets he would give protection during about thirty years. Well; take Henry Fielding; it matters not whom
15 I take, but take Fielding. His early works are read only by the curious, and would not be read even by the curious, but for the fame which he acquired in the later part of his life by works of a very different kind. What is the value of the Temple Beau, of
20 the Intriguing Chambermaid, of half a dozen other plays of which few gentlemen have even heard the names? Yet to these worthless pieces my noble friend would give a term of copyright longer by more than twenty years than that which he would give to
25 Tom Jones and Amelia.

Go on to Burke. His little tract, entitled The Vindication of Natural Society, is certainly not without merit; but it would not be remembered in our days if it did not bear the name of Burke. To this
30 tract my noble friend would give a copyright of near seventy years. But to the great work on the French Revolution, to the Appeal from the New to the Old Whigs, to the letters on the Regicide Peace, he would give a copyright of thirty years or little more.

35 And, Sir, observe that I am not selecting here and there extraordinary instances in order to make

up the semblance of a case. I am taking the greatest names of our literature in chronological order. Go to other nations; go to remote ages; you will still find the general rule the same. There was no copy-
right at Athens or Rome; but the history of the 5 Greek and Latin literature illustrates my argument quite as well as if copyright had existed in ancient times. Of all the plays of Sophocles, the one to which the plan of my noble friend would have given the most scanty recompense would have been that 10 wonderful masterpiece, the *Œdipus at Colonus*. Who would class together the Speech of Demosthenes against his Guardians, and the Speech for the Crown? My noble friend, indeed, would not class them together. For to the Speech against the Guardians he 15 would give a copyright of near seventy years; and to the incomparable Speech for the Crown a copyright of less than half that length. Go to Rome. My noble friend would give more than twice as long a term to Cicero's juvenile declamation in defence of 20 Roscius Amerinus as to the Second Philippic. Go to France; my noble friend would give a far longer term to Racine's *Frères Ennemis* than to *Athalie*, and to Molière's *Étourdi* than to *Tartuffe*. Go to Spain. My noble friend would give a longer term to 25 forgotten works of Cervantes, works which nobody now reads, than to *Don Quixote*. Go to Germany. According to my noble friend's plan, of all the works of Schiller the *Robbers* would be the most favored: of all the works of Goethe, the *Sorrows of Werther* 30 would be the most favored. I thank the Committee for listening so kindly to this long enumeration. Gentlemen will perceive, I am sure, that it is not from pedantry that I mention the names of so many books and authors. But just as, in our debates on 35 civil affairs, we constantly draw illustrations from

civil history, we must, in a debate about literary property, draw our illustrations from literary history. Now, Sir, I have, I think, shown from literary history that the effect of my noble friend's plan would be to give to crude and imperfect works, to third-rate and fourth-rate works, a great advantage over the highest productions of genius. It is impossible to account for the facts which I have laid before you by attributing them to mere accident. Their number is too great, their character too uniform. We must seek for some other explanation; and we shall easily find one.

It is the law of our nature that the mind shall attain its full power by slow degrees; and this is especially true of the most vigorous minds. Young men, no doubt, have often produced works of great merit; but it would be impossible to name any writer of the first order whose juvenile performances were his best. That all the most valuable books of history, of philology, of physical and metaphysical science, of divinity, of political economy, have been produced by men of mature years, will hardly be disputed.

The case may not be quite so clear as respects works of the imagination. And yet I know no work of the imagination of the very highest class that was ever, in any age or country, produced by a man under thirty-five. Whatever powers a youth may have received from nature, it is impossible that his taste and judgment can be ripe, that his mind can be richly stored with images, that he can have observed the vicissitudes of life, that he can have studied the nicer shades of character. How, as Marmontel very sensibly said, is a person to paint portraits who has never seen faces? On the whole I believe that I may, without fear of contradiction, affirm this, that the good books now extant in the world more than nineteen twentieths were published after the writers

had attained the age of forty. If this be so, it is evident that the plan of my noble friend is framed on a vicious principle. For, while he gives to juvenile productions a very much larger protection than they now enjoy, he does comparatively little for the works 5 of men in the full maturity of their powers, and absolutely nothing for any work which is published during the last three years of the life of the writer. For, by the existing law, the copyright of such a work lasts twenty-eight years from the publication; 10 and my noble friend gives only twenty-five years to be reckoned from the writer's death.

What I recommend is, that the certain term, reckoned from the date of publication, shall be forty-two years instead of twenty-eight years. In this 15 arrangement there is no uncertainty, no inequality. The advantage which I propose to give will be the same to every book. No work will have so long a copyright as my noble friend gives to some books, or so short a copyright as he gives to others. No 20 copyright will last ninety years. No copyright will end in twenty-eight years. To every book published in the course of the last seventeen years of a writer's life I give a longer term of copyright than my noble friend gives; and I am confident that no person 25 versed in literary history will deny this,—that in general the most valuable works of an author are published in the course of the last seventeen years of his life. I will rapidly enumerate a few, and but a few, of the great works of English writers to which 30 my plan is more favorable than my noble friend's plan. To Lear, to Macbeth, to Othello, to the Fairy Queen, to the Paradise Lost, to Bacon's *Novum Organum* and *De Augmentis*, to Locke's *Essay on the Human Understanding*, to Clarendon's *History*, 35 to Hume's *History*, to Gibbon's *History*, to Smith's

Wealth of Nations, to Addison's Spectators, to almost all the great works of Burke, to Clarissa and Sir Charles Grandison, to Joseph Andrews, Tom Jones, and Amelia, and, with the single exception of Waverley 5 to all the novels of Sir Walter Scott, I give a longer term of copyright than my noble friend gives. Can he match that list? Does not that list contain what England has produced greatest in many various ways, poetry, philosophy, history, eloquence, wit, 10 skilful portraiture of life and manners? I confidently, therefore, call on the Committee to take my plan in preference to the plan of my noble friend. I have shown that the protection which he proposes to give to letters is unequal, and unequal in the worst 15 way. I have shown that his plan is to give protection to books in inverse proportion to their merit. I shall move when we come to the third clause of the bill to omit the words "twenty-five years," and in a subsequent part of the same clause I shall move to 20 substitute for the words "twenty-eight years" the words "forty-two years." I earnestly hope that the Committee will adopt these amendments; and I feel the firmest conviction that my noble friend's bill, so amended, will confer a great boon on men of letters 25 with the smallest possible inconvenience to the public.

LINCOLN'S
ADDRESS AT COOPER UNION

THE COOPER INSTITUTE ADDRESS

MONDAY, FEBRUARY 27, 1860

[This address, Lincoln's first important direct message to the people of the East, was very carefully prepared. The text is taken from *The Tribune Tract*, issued as a campaign document. Another version, revised by Lincoln, was published also for campaign distribution in September, 1860. It differs only in slight details from our text.]

MR. PRESIDENT and Fellow-Citizens of New York: The facts with which I shall deal this evening are mainly old and familiar; nor is there anything new in the general use I shall make of them. If there shall be any novelty, it will be in the mode of presenting the facts, and the inferences and observations following that presentation. 5

In his speech last autumn, at Columbus, Ohio, as reported in the *New York Times*, Senator Douglas said:

10

Our fathers, when they framed the Government under which we live, understood this question just as well, and even better, than we do now.

I fully indorse this, and I adopt it as a text for this discourse. I so adopt it because it furnishes a precise and agreed starting point for a discussion between Republicans and that wing of the Democracy headed by Senator Douglas. It simply leaves the inquiry: 15

“What was the understanding those fathers had of the question mentioned?”

What is the frame of Government under which we live?

- 5 The answer must be, “The Constitution of the United States.” That Constitution consists of the original, framed in 1787 (and under which the present Government first went into operation), and twelve subsequently framed amendments, the first ten of
10 which were framed in 1789.

Who were our fathers that framed the Constitution? I suppose the “thirty-nine” who signed the original instrument may be fairly called our fathers who framed that part of the present Government. It is almost
15 exactly true to say they framed it, and it is altogether true to say they fairly represented the opinion and sentiment of the whole nation at that time. Their names, being familiar to nearly all, and accessible to quite all, need not now be repeated.

- 20 I take these “thirty-nine,” for the present, as being “our fathers who framed the Government under which we live.”

What is the question which, according to the text, those fathers understood “just as well, and even
25 better, than we do now?”

It is this: Does the proper division of local from Federal authority, or anything in the Constitution, forbid our Federal Government to control as to slavery in our Federal Territories?

- 30 Upon this, Senator Douglas holds the affirmative, and Republicans the negative. This affirmation and denial form an issue; and this issue—this question—is precisely what the text declares our fathers understood “better than we.”

- 35 Let us now inquire whether the “thirty-nine,” or any of them, ever acted upon this question; and if

they did, how they acted upon it—how they expressed that better understanding.

In 1784, three years before the Constitution, the United States then owning the Northwestern Territory, and no other, the Congress of the Confederation 5 had before them the question of prohibiting slavery in that Territory; and four of the “thirty-nine” who afterward framed the Constitution were in that Congress, and voted on that question. Of these, Roger Sherman, Thomas Mifflin, and Hugh Williamson voted 10 for the prohibition, thus showing that, in their understanding, no line dividing local from Federal authority, nor anything else, properly forbade the Federal Government to control as to slavery in Federal territory. The other of the four—James McHenry—voted against 15 the prohibition, showing that for some cause he thought it improper to vote for it.

In 1787, still before the Constitution, but while the Convention was in session framing it, and while the Northwestern Territory still was the only territory 20 owned by the United States, the same question of prohibiting slavery in the Territory again came before the Congress of the Confederation; and three more of the “thirty-nine” who afterward signed the Constitution were in that Congress, and voted on the question. 25 They were William Blount, William Few, and Abraham Baldwin; and they all voted for the prohibition—thus showing that, in their understanding, no line dividing local from Federal authority, nor anything else, properly forbade the Federal Government to control as to 30 slavery in Federal territory. This time the prohibition became a law, being part of what is now well known as the Ordinance of '87.

The question of Federal control of slavery in the Territories seems not to have been directly before the 35 convention which framed the original Constitution;

and hence it is not recorded that the "thirty-nine," or any of them, while engaged on that instrument, expressed any opinion on that precise question.

In 1789, by the first Congress which sat under the Constitution, an act was passed to enforce the Ordinance of '87, including the prohibition of slavery in the Northwestern Territory. The bill for this act was reported by one of the "thirty-nine," Thomas Fitzsimmons, then a member of the House of Representatives from Pennsylvania. It went through all its stages without a word of opposition, and finally passed both branches without ayes and nays, which is equivalent to an unanimous passage. In this Congress there were sixteen of the "thirty-nine" fathers who framed the original Constitution. They were John Langdon, Nicholas Gilman, Wm. S. Johnson, Roger Sherman, Robert Morris, Thos. Fitzsimmons, William Few, Abraham Baldwin, Rufus King, William Patterson, George Clymer, Richard Bassett, George Read, Pierce Butler, Daniel Carroll, and James Madison.

This shows that, in their understanding, no line dividing local from Federal authority, nor anything in the Constitution, properly forbade Congress to prohibit slavery in the Federal territory; else both their fidelity to correct principle, and their oath to support the Constitution, would have constrained them to oppose the prohibition.

Again, George Washington, another of the "thirty-nine," was then President of the United States, and as such, approved and signed the bill, thus completing its validity as a law, and thus showing that, in his understanding, no line dividing local from Federal authority, nor anything in the Constitution, forbade the Federal Government to control as to slavery in Federal territory.

No great while after the adoption of the original

Constitution, North Carolina ceded to the Federal Government the country now constituting the State of Tennessee; and a few years later Georgia ceded that which now constitutes the States of Mississippi and Alabama. In both deeds of cession it was made a condition by the ceding States that the Federal Government should not prohibit slavery in the ceded country. Besides this, slavery was then actually in the ceded country. Under these circumstances, Congress, on taking charge of these countries, did not absolutely prohibit slavery within them. But they did interfere with it—take control of it—even there, to a certain extent. In 1798, Congress organized the Territory of Mississippi. In the act of organization they prohibited the bringing of slaves into the Territory from any place without the United States, by fine, and giving freedom to slaves so brought. This act passed both branches of Congress without yeas and nays. In that Congress were three of the “thirty-nine” who framed the original Constitution. They were John Langdon, George Read, and Abraham Baldwin. They all probably voted for it. Certainly they would have placed their opposition to it upon record if, in their understanding, any line dividing local from Federal authority, or anything in the Constitution, properly forbade the Federal Government to control as to slavery in Federal territory.

In 1803, the Federal Government purchased the Louisiana country. Our former territorial acquisitions came from certain of our own States; but this Louisiana country was acquired from a foreign nation. In 1804, Congress gave a territorial organization to that part of it which now constitutes the State of Louisiana. New Orleans, lying within that part, was an old and comparatively large city. There were other considerable towns and settlements, and slavery

was extensively and thoroughly intermingled with the people. Congress did not, in the Territorial Act, prohibit slavery; but they did interfere with it—take control of it—in a more marked and extensive way 5 than they did in the case of Mississippi. The substance of the provision therein made in relation to slaves was:

First. That no slave should be imported into the Territory from foreign parts.

10 *Second.* That no slave should be carried into it who had been imported into the United States since the first day of May, 1798.

Third. That no slave should be carried into it, except by the owner, and for his own use as a settler; 15 the penalty in all the cases being a fine upon the violator of the law, and freedom to the slave.

This act also was passed without ayes and nays. In the Congress which passed it there were two of the "thirty-nine." They were Abraham Baldwin and 20 Jonathan Dayton. As stated in the case of Mississippi, it is probable they both voted for it. They would not have allowed it to pass without recording their opposition to it if, in their understanding, it violated either the line properly dividing local from Federal author- 25 ity, or any provision of the Constitution.

In 1819–20 came and passed the Missouri question. Many votes were taken, by yeas and nays, in both branches of Congress, upon the various phases of the general question. Two of the "thirty-nine"—Rufus 30 King and Charles Pinckney—were members of that Congress. Mr. King steadily voted for slavery prohibition and against all compromises, while Mr. Pinckney as steadily voted against slavery prohibition and against all compromises. By this, Mr. King showed 35 that, in his understanding, no line dividing local from Federal authority, nor anything in the Constitution,

was violated by Congress prohibiting slavery in Federal territory; while Mr. Pinckney, by his votes, showed that, in his understanding, there was some sufficient reason for opposing such prohibition in that case. 5

The cases I have mentioned are the only acts of the "thirty-nine," or of any of them, upon the direct issue, which I have been able to discover.

To enumerate the persons who thus acted as being 10 four in 1784, three in 1787, seventeen in 1789, three in 1798, two in 1804, and two in 1819-20, there would be thirty of them. But this would be counting John Langdon, Roger Sherman, William Few, Rufus King, and George Read each twice, and Abraham Baldwin 15 three times. The true number of those of the "thirty-nine" whom I have shown to have acted upon the question which, by the text, they understood better than we, is twenty-three, leaving sixteen not shown to have acted upon it in any way. 20

Here, then, we have twenty-three out of our "thirty-nine" fathers "who framed the government under which we live," who have, upon their official responsibility and their corporal oaths, acted upon the very question which the text affirms they "understood 25 just as well, and even better, than we do now;" and twenty-one of them—a clear majority of the whole "thirty-nine"—so acting upon it as to make them guilty of gross political impropriety and wilful perjury if, in their understanding, any proper division 30 between local and Federal authority, or anything in the Constitution they had made themselves, and sworn to support, forbade the Federal Government to control as to slavery in the Federal Territories. Thus the twenty-one acted; and, as actions speak 35 louder than words, so actions under such responsibility speak still louder.

Two of the twenty-three voted against Congressional prohibition of slavery in the Federal Territories, in the instances in which they acted upon the question. But for what reasons they so voted is not known. They 5 may have done so because they thought a proper division of local from Federal authority, or some provision or principle of the Constitution, stood in the way; or they may, without any such question, have voted against the prohibition on what appeared to 10 them to be sufficient grounds of expediency. No one who has sworn to support the Constitution can conscientiously vote for what he understands to be an unconstitutional measure, however expedient he may think it; but one may and ought to vote against a 15 measure which he deems constitutional if, at the same time, he deems it inexpedient. It, therefore, would be unsafe to set down even the two who voted against the prohibition as having done so because, in their understanding, any proper division of local from 20 Federal authority, or anything in the Constitution, forbade the Federal Government to control as to slavery in Federal territory.

The remaining sixteen of the "thirty-nine," so far as I have discovered, have left no record of their un- 25 derstanding upon the direct question of Federal control of slavery in the Federal Territories. But there is much reason to believe that their understanding upon that question would not have appeared different from that of their twenty-three compeers, had it been 30 manifested at all.

For the purpose of adhering rigidly to the text, I have purposely omitted whatever understanding may have been manifested by any person, however distinguished, other than the thirty-nine fathers who framed 35 the original Constitution; and, for the same reason, I have also omitted whatever understanding may have

been manifested by any of the "thirty-nine" even on any other phase of the general question of slavery. If we should look into their acts and declarations on those other phases, as the foreign slave-trade, and the morality and policy of slavery generally, it would appear to us that on the direct question of Federal control of slavery in Federal Territories, the sixteen, if they had acted at all, would probably have acted just as the twenty-three did. Among that sixteen were several of the most noted anti-slavery men of those 10 times,—as Dr. Franklin, Alexander Hamilton, and Gouverneur Morris,—while there was not one now known to have been otherwise, unless it may be John Rutledge, of South Carolina.

The sum of the whole is that of our "thirty-nine" 15 fathers who framed the original Constitution, twenty-one—a clear majority of the whole—certainly understood that no proper division of local from Federal authority, nor any part of the Constitution, forbade the Federal Government to control slavery in the Federal Territories; while all the rest probably had the same understanding. Such, unquestionably, was the understanding of our fathers who framed the original Constitution; and the text affirms that they understood the question "better than we." 25

But, so far, I have been considering the understanding of the question manifested by the framers of the original Constitution. In and by the original instrument, a mode was provided for amending it; and, as I have already stated, the present frame of "the government under which we live" consists of that original, and twelve amendatory articles framed and adopted since. Those who now insist that Federal control of slavery in Federal Territories violates the Constitution, point us to the provisions which they suppose it 35 thus violates; and, I understand, they all fix upon

provisions in these amendatory articles, and not in the original instrument. The Supreme Court, in the Dred Scott case, plant themselves upon the fifth amendment, which provides that "no person shall be
5 deprived of life, liberty, or property without due process of law;" while Senator Douglas and his peculiar adherents plant themselves upon the tenth amendment, providing that "the powers not delegated to the United States by the Constitution are reserved to the
10 States respectively, or to the people."

Now, it so happens that these amendments were framed by the first Congress which sat under the Constitution—the identical Congress which passed the act already mentioned, enforcing the prohibition of slavery
15 in the Northwestern Territory. Not only was it the same Congress, but they were the identical, same individual men who, at the same session, and at the same time within the session, had under consideration, and in progress toward maturity, these constitutional
20 amendments, and this act prohibiting slavery in all the territory the nation then owned. The constitutional amendments were introduced before, and passed after, the act enforcing the Ordinance of '87; so that, during the whole pendency of the act to enforce the
25 Ordinance, the constitutional amendments were also pending.

That Congress, consisting in all of seventy-six members, including sixteen of the framers of the original Constitution, as before stated, were preëminently our
30 fathers who framed that part of "the Government under which we live," which is now claimed as forbidding the Federal Government to control slavery in the Federal Territories.

Is it not a little presumptuous in any one at this
35 day to affirm that the two things which that Congress deliberately framed, and carried to maturity at the

same time, are absolutely inconsistent with each other? And does not such affirmation become impudently absurd when coupled with the other affirmation, from the same mouth, that those who did the two things alleged to be inconsistent, understood whether they 5 really were inconsistent better than we—better than he who affirms that they are inconsistent?

It is surely safe to assume that the thirty-nine framers of the original Constitution, and the seventy-six members of the Congress which framed the amend- 10 ments thereto, taken together, do certainly include those who may be fairly called “our fathers who framed the government under which we live.” And so assuming, I defy any man to show that any one of them ever, in his whole life, declared that, in his 15 understanding, any proper division of local from Federal authority, or any part of the Constitution, forbade the Federal Government to control as to slavery in the Federal Territories. I go a step further. I defy any one to show that any living man in the 20 whole world ever did, prior to the beginning of the present century (and I might almost say prior to the beginning of the last half of the present century), declare that, in his understanding, any proper division of local from Federal authority, or any part of 25 the Constitution, forbade the Federal Government to control as to slavery in the Federal Territories. To those who now so declare I give not only “our fathers who framed the Government under which we live,” but with them all other living men within 30 the century in which it was framed, among whom to search, and they shall not be able to find the evidence of a single man agreeing with them.

Now, and here let me guard a little against being misunderstood. I do not mean to say we are bound 35 to follow implicitly in whatever our fathers did. To

do so would be to discard all the lights of current experience—to reject all progress, all improvement. What I do say is, that if we would supplant the opinions and policy of our fathers in any case, we should
5 do so upon evidence so conclusive, and argument so clear, that even their great authority, fairly considered and weighed, cannot stand; and most surely not in a case whereof we ourselves declare they understood the question better than we.

10 If any man at this day sincerely believes that a proper division of local from Federal authority, or any part of the Constitution, forbids the Federal Government to control as to slavery in the Federal Territories, he is right to say so, and to enforce his
15 position by all truthful evidence and fair argument which he can. But he has no right to mislead others, who have less access to history, and less leisure to study it, into the false belief that “our fathers who framed the Government under which we live” were
20 of the same opinion—thus substituting falsehood and deception for truthful evidence and fair argument. If any man at this day sincerely believes “our fathers who framed the Government under which we live” used and applied principles, in other cases, which
25 ought to have led them to understand that a proper division of local from Federal authority, or some part of the Constitution, forbids the Federal Government to control as to slavery in the Federal Territories, he is right to say so. But he should, at the same time,
30 brave the responsibility of declaring that, in his opinion, he understands their principles better than they did themselves; and especially should he not shirk that responsibility by asserting that they “understood the question just as well, and even better, than
35 we do now.”

But enough. Let all who believe that “our fathers

who framed the government under which we live understood this question just as well, and even better, than we do now," speak as they spoke, and act as they acted upon it. This is all Republicans ask—all Republicans desire—in relation to slavery. As those 5 fathers marked it, so let it be again marked, as an evil not to be extended, but to be tolerated and protected only because of and so far as its actual presence among us makes that toleration and protection a necessity. Let all the guaranties those fathers gave 10 it be not grudgingly, but fully and fairly, maintained. For this Republicans contend, and with this, so far as I know or believe, they will be content.

And now, if they would listen—as I suppose they will not—I would address a few words to the South-15 ern people.

I would say to them: You consider yourselves a reasonable and a just people; and I consider that in the general qualities of reason and justice you are not inferior to any other people. Still, when you speak of 20 us Republicans, you do so only to denounce us as reptiles, or, at the best, as no better than outlaws. You will grant a hearing to pirates or murderers, but nothing like it to "Black Republicans." In all your contentions with one another, each of you deems 25 an unconditional condemnation of "Black Republicanism" as the first thing to be attended to. Indeed, such condemnation of us seems to be an indispensable prerequisite—license, so to speak—among you to be admitted or permitted to speak at all. 30

Now, can you, or not, be prevailed upon to pause and to consider whether this is quite just to us, or even to yourselves?

Bring forward your charges and specifications, and then be patient long enough to hear us deny or justify. 35

You say we are sectional. We deny it. That

makes an issue; and the burden of proof is upon you. You produce your proof; and what is it? Why, that our party has no existence in your section—gets no votes in your section. The fact is substantially true; but does it prove the issue? If it does, then in case we should, without change of principle, begin to get votes in your section, we should thereby cease to be sectional. You cannot escape this conclusion; and yet, are you willing to abide by it? If you are, you will probably soon find that we have ceased to be sectional, for we shall get votes in your section this very year. You will then begin to discover, as the truth plainly is, that your proof does not touch the issue. The fact that we get no votes in your section is a fact of your making, and not of ours. And if there be fault in that fact, that fault is primarily yours, and remains so until you show that we repel you by some wrong principle or practice. If we do repel you by any wrong principle or practice, the fault is ours; but this brings you to where you ought to have started—to discussion of the right or wrong of our principle. If our principle, put in practice, would wrong your section for the benefit of ours, or for any other object, then our principle, and we with it, are sectional, and are justly opposed and denounced as such. Meet us, then, on the question of whether our principle, put in practice, would wrong your section; and so meet us as if it were possible that something may be said on our side. Do you accept the challenge? No? Then you really believe that the principle which “our fathers who framed the Government under which we live” thought so clearly right as to adopt it, and indorse it again and again, upon their official oaths, is in fact so clearly wrong as to demand your condemnation without a moment’s consideration.

Some of you delight to flaunt in our faces the warning against sectional parties given by Washington in his Farewell Address. Less than eight years before Washington gave that warning, he had, as President of the United States, approved and signed an act of Congress enforcing the prohibition of slavery in the Northwestern Territory, which act embodied the policy of the Government upon that subject up to and at the very moment he penned that warning; and about one year after he penned it, he wrote Lafayette that he considered that prohibition a wise measure, expressing in the same connection his hope that we should at some time have a confederacy of free States. 5 10

Bearing this in mind, and seeing that sectionalism has since arisen upon this same subject, is that warning a weapon in your hands against us, or in our hands against you? Could Washington himself speak, would he cast the blame of that sectionalism upon us, who sustain his policy, or upon you, who repudiate it? We respect that warning of Washington, and we commend it to you, together with his example pointing to the right application of it. 20

But you say you are conservative—eminently conservative—while we are revolutionary, destructive, or something of the sort. What is conservatism? Is it not adherence to the old and tried, against the new and untried? We stick to, contend for, the identical old policy on the point in controversy which was adopted by “our fathers who framed the Government under which we live;” while you with one accord reject, and scout, and spit upon that old policy, and insist upon substituting something new. True, you disagree among yourselves as to what that substitute shall be. You are divided on new propositions and plans, but you are unanimous in rejecting and denouncing the old policy of the fathers. Some 25 30 35

of you are for reviving the foreign slave-trade; some for a congressional slave-code for the Territories; some for Congress forbidding the Territories to prohibit slavery within their limits; some for maintaining slavery in the Territories through the judiciary; some for the "gur-reat pur-rinciple" that "if one man would enslave another, no third man should object," fantastically called "Popular Sovereignty;" but never a man among you is in favor of Federal prohibition of slavery in Federal Territories, according to the practice of "our fathers who framed the Government under which we live." Not one of all your various plans can show a precedent or an advocate in the century within which our Government originated. Consider, then, whether your claim of conservatism for yourselves, and your charge of destructiveness against us, are based on the most clear and stable foundations.

Again, you say we have made the slavery question more prominent than it formerly was. We deny it. We admit that it is more prominent, but we deny that we made it so. It was not we, but you, who discarded the old policy of the fathers. We resisted, and still resist, your innovation; and thence comes the greater prominence of the question. Would you have that question reduced to its former proportions? Go back to that old policy. What has been will be again, under the same conditions. If you would have the peace of the old times, readopt the precepts and policy of the old times.

You charge that we stir up insurrections among your slaves. We deny it; and what is your proof? Harper's Ferry! John Brown!! John Brown was no Republican; and you have failed to implicate a single Republican in his Harper's Ferry enterprise. If any member of our party is guilty in that matter, you

know it, or you do not know it. If you do know it, you are inexcusable for not designating the man and proving the fact. If you do not know it, you are inexcusable to assert it, and especially to persist in the assertion after you have tried and failed to make 5 the proof. You need not be told that persisting in a charge which one does not know to be true, is simply malicious slander.

Some of you admit that no Republican designedly aided or encouraged the Harper's Ferry affair, but 10 still insist that our doctrines and declarations necessarily lead to such results. We do not believe it. We know we hold no doctrine, and make no declaration, which were not held to and made by "our fathers who framed the Government under which we live." 15 You never dealt fairly by us in relation to this affair. When it occurred, some important State elections were near at hand, and you were in evident glee with the belief that, by charging the blame upon us, you could get an advantage of us in those elections. The elec- 20 tions came, and your expectations were not quite fulfilled. Every Republican man knew that, as to himself at least, your charge was a slander, and he was not much inclined by it to cast his vote in your favor. Republican doctrines and declarations are accompanied 25 with a continual protest against any interference whatever with your slaves, or with you about your slaves. Surely, this does not encourage them to revolt. True, we do, in common with "our fathers who framed the Government under which we live," 30 declare our belief that slavery is wrong; but the slaves do not hear us declare even this. For anything we say or do, the slaves would scarcely know there is a Republican party. I believe they would not, in fact, generally know it but for your misrepresentations of 35 us in their hearing. In your political contests among

yourselves, each faction charges the other with sympathy with Black Republicanism; and then, to give point to the charge, defines Black Republicanism to simply be insurrection, blood, and thunder among the
5 slaves.

Slave insurrections are no more common now than they were before the Republican party was organized. What induced the Southampton insurrection, twenty-eight years ago, in which at least three times
10 as many lives were lost as at Harper's Ferry? You can scarcely stretch your very elastic fancy to the conclusion that Southampton was "got up by Black Republicanism." In the present state of things in the United States, I do not think a general, or even a very
15 extensive, slave insurrection is possible. The indispensable concert of action cannot be obtained. The slaves have no means of rapid communication; nor can incendiary freemen, black or white, supply it. The explosive materials are everywhere in parcels;
20 but there neither are, nor can be supplied, the indispensable connecting trains.

Much is said by Southern people about the affection of slaves for their masters and mistresses; and a part of it, at least, is true. A plot for an uprising could
25 scarcely be devised and communicated to twenty individuals before some one of them, to save the life of a favorite master or mistress, would divulge it. This is the rule; and the slave revolution in Hayti was not an exception to it, but a case occurring under peculiar
30 circumstances. The gunpowder plot of British history, though not connected with slaves, was more in point. In that case, only about twenty were admitted to the secret; and yet one of them, in his anxiety to save a friend, betrayed the plot to that friend, and, by consequence,
35 averted the calamity. Occasional poisonings from the kitchen, and open or stealthy assassinations

in the field, and local revolts extending to a score or so, will continue to occur as the natural results of slavery; but no general insurrection of slaves, as I think, can happen in this country for a long time. Whoever much fears, or much hopes, for such an event, will be alike disappointed. 5

In the language of Mr. Jefferson, uttered many years ago, "It is still in our power to direct the process of emancipation and deportation peaceably, and in such slow degrees, as that the evil will wear off insensibly; 10 and their places be, *pari passu*, filled up by free white laborers. If, on the contrary, it is left to force itself on, human nature must shudder at the prospect held up."

Mr. Jefferson did not mean to say, nor do I, that 15 the power of emancipation is in the Federal Government. He spoke of Virginia; and, as to the power of emancipation, I speak of the slaveholding States only.

The Federal Government, however, as we insist, has 20 the power of restraining the extension of the institution—the power to insure that a slave insurrection shall never occur on any American soil which is now free from slavery.

John Brown's effort was peculiar. It was not a 25 slave insurrection. It was an attempt by white men to get up a revolt among slaves, in which the slaves refused to participate. In fact, it was so absurd that the slaves, with all their ignorance, saw plainly enough it could not succeed. That affair, in its philosophy, 30 corresponds with the many attempts, related in history, at the assassination of kings and emperors. An enthusiast broods over the oppression of a people till he fancies himself commissioned by Heaven to liberate them. He ventures the attempt, which ends in little 35 else than in his own execution. Orsini's attempt on

Louis Napoleon, and John Brown's attempt at Harper's Ferry, were, in their philosophy, precisely the same. The eagerness to cast blame on old England in the one case, and on New England in the other, does not dis-
5 prove the sameness of the two things.

And how much would it avail you, if you could, by the use of John Brown, Helper's Book, and the like, break up the Republican organization? Human action can be modified to some extent, but human nature can-
10 not be changed. There is a judgment and a feeling against slavery in this nation, which cast at least a million and a half of votes. You cannot destroy that judgment and feeling—that sentiment—by breaking up the political organization which rallies around it.
15 You can scarcely scatter and disperse an army which has been formed into order in the face of your heaviest fire; but if you could, how much would you gain by forcing the sentiment which created it out of the peaceful channel of the ballot-box into some other channel?
20 What would that other channel probably be? Would the number of John Browns be lessened or enlarged by the operation?

But you will break up the Union rather than submit to a denial of your Constitutional rights.

25 That has a somewhat reckless sound; but it would be palliated, if not fully justified, were we proposing, by the mere force of numbers, to deprive you of some right plainly written down in the Constitution. But we are proposing no such thing.

30 When you make these declarations you have a specific and well understood allusion to an assumed constitutional right of yours to take slaves into the Federal Territories, and to hold them there as property. But no such right is specifically written in the Con-
35 stitution. That instrument is literally silent about any such right. We, on the contrary, deny that such

a right has any existence in the Constitution, even by implication.

Your purpose, then, plainly stated, is that you will destroy the Government, unless you be allowed to construe and force the Constitution as you please, on all points in dispute between you and us. You will rule or ruin in all events. 5

This, plainly stated, is your language. Perhaps you will say the Supreme Court has decided the disputed Constitutional question in your favor. Not quite so. 10 But waiving the lawyer's distinction between dictum and decision, the court has decided the question for you in a sort of way. The court has substantially said, it is your constitutional right to take slaves into the Federal Territories, and to hold them there as 15 property.

When I say the decision was made in a sort of way, I mean it was made in a divided court, by a bare majority of the judges, and they not quite agreeing with one another in the reasons for making it; 20 that it is so made as that its avowed supporters disagree with one another about its meaning, and that it was mainly based upon a mistaken statement of fact—the statement in the opinion that “the right of property in a slave is distinctly and expressly 25 affirmed in the Constitution.”

An inspection of the Constitution will show that the right of property in a slave is not “distinctly and expressly affirmed” in it. Bear in mind, the judges do not pledge their judicial opinion that such right 30 is impliedly affirmed in the Constitution; but they pledge their veracity that it is “distinctly and expressly” affirmed there—“distinctly,” that is, not mingled with anything else—“expressly,” that is, in words meaning just that, without the aid of any 35 inference, and susceptible of no other meaning.

If they had only pledged their judicial opinion that such right is affirmed in the instrument by implication, it would be open to others to show that neither the word "slave" nor "slavery" is to be found in the 5 Constitution, nor the word "property" even, in any connection with language alluding to the things slave, or slavery; and that wherever in that instrument the slave is alluded to, he is called a "person;" and wherever his master's legal right in relation to him is 10 alluded to, it is spoken of as "service or labor which may be due"—as a debt payable in service or labor. Also it would be open to show, by contemporaneous history, that this mode of alluding to slaves and slavery, instead of speaking of them, was employed on 15 purpose to exclude from the Constitution the idea that there could be property in man.

To show all this is easy and certain.

When this obvious mistake of the judges shall be brought to their notice, is it not reasonable to expect that they will withdraw the mistaken statement, 20 and reconsider the conclusion based upon it?

And then it is to be remembered that "our fathers who framed the Government under which we live"—the men who made the Constitution—decided this 25 same Constitutional question in our favor long ago: decided it without a division among themselves when making the decision; without division among themselves about the meaning of it after it was made, and so far as any evidence is left, without basing it upon 30 any mistaken statement of facts.

Under all these circumstances, do you really feel yourself justified to break up this Government unless such a court decision as yours is shall be at once submitted to as a conclusive and final rule of political 35 action?

But you will not abide the election of a Republican

president! In that supposed event, you say, you will destroy the Union; and then, you say, the great crime of having destroyed it will be upon us!

That is cool. A highwayman holds a pistol to my ear, and mutters through his teeth, "Stand and deliver; 5 or I shall kill you, and then you will be a murderer!"

To be sure, what the robber demanded of me—my money—was my own; and I had a clear right to keep it; but it was no more my own than my vote is my own; and the threat of death to me, to extort my 10 money, and the threat of destruction to the Union, to extort my vote, can scarcely be distinguished in principle.

A few words now to Republicans. It is exceedingly desirable that all parts of this great Confederacy 15 shall be at peace, and in harmony one with another. Let us Republicans do our part to have it so. Even though much provoked, let us do nothing through passion and ill temper. Even though the Southern people will not so much as listen to us, let us calmly 20 consider their demands, and yield to them if, in our deliberate view of our duty, we possibly can. Judging by all they say and do, and by the subject and nature of their controversy with us, let us determine if we can, what will satisfy them. 25

Will they be satisfied if the Territories be unconditionally surrendered to them? We know they will not. In all their present complaints against us, the Territories are scarcely mentioned. Invasions and insurrections are the rage now. Will it satisfy them 30 if, in the future, we have nothing to do with invasions and insurrections? We know it will not. We so know, because we know we never had anything to do with invasions and insurrections; and yet this total abstaining does not exempt us from the charge and 35 the denunciation.

The question recurs, What will satisfy them? Simply this: we must not only let them alone, but we must somehow convince them that we do let them alone. This, we know by experience, is no easy task. 5 We have been so trying to convince them from the very beginning of our organization, but with no success. In all our platforms and speeches we have constantly protested our purpose to let them alone; but this has had no tendency to convince them. Alike 10 unavailing to convince them is the fact that they have never detected a man of us in any attempt to disturb them.

These natural and apparently adequate means all failing, what will convince them? This, and this only: 15 cease to call slavery *wrong*, and join them in calling it *right*. And this must be done thoroughly—done in *acts* as well as in *words*. Silence will not be tolerated—we must place ourselves avowedly with them. Senator Douglas's new sedition law must be enacted and 20 enforced, suppressing all declarations that slavery is wrong, whether made in politics, in presses, in pulpits, or in private. We must arrest and return their fugitive slaves with greedy pleasure. We must pull down our Free-State constitutions. The whole atmosphere 25 must be disinfected from all taint of opposition to slavery, before they will cease to believe that all their troubles proceed from us.

I am quite aware they do not state their case precisely in this way. Most of them would probably say 30 to us, "Let us alone; do nothing to us, and say what you please about slavery." But we do let them alone,—have never disturbed them,—so that, after all, it is what we say which dissatisfies them. They will continue to accuse us of doing, until we cease saying.

35 I am also aware they have not as yet in terms demanded the overthrow of our Free-State constitutions.

Yet those constitutions declare the wrong of slavery with more solemn emphasis than do all other sayings against it; and when all these other sayings shall have been silenced, the overthrow of these constitutions will be demanded, and nothing be left to resist the demand. It is nothing to the contrary that they do not demand the whole of this just now. Demanding what they do, and for the reason they do, they can voluntarily stop nowhere short of this consummation. Holding, as they do, that slavery is morally right and socially elevating, they cannot cease to demand a full national recognition of it as a legal right and a social blessing.

Nor can we justifiably withhold this on any ground save our conviction that slavery is wrong. If slavery is right, all words, acts, laws, and constitutions against it are themselves wrong, and should be silenced and swept away. If it is right, we cannot justly object to its nationality—its universality; if it is wrong, they cannot justly insist upon its extension—its enlargement. All they ask we could readily grant, if we thought slavery right; all we ask they could as readily grant, if they thought it wrong. Their thinking it right and our thinking it wrong is the precise fact upon which depends the whole controversy. Thinking it right, as they do, they are not to blame for desiring its full recognition as being right; but thinking it wrong, as we do, can we yield to them? Can we cast our votes with their view, and against our own? In view of our moral, social, and political responsibilities, can we do this?

Wrong as we think slavery is, we can yet afford to let it alone where it is, because that much is due to the necessity arising from its actual presence in the nation; but can we, while our votes will prevent it, allow it to spread into the national Territories, and to

overrun us here in these free States? If our sense of duty forbids this, then let us stand by our duty fearlessly and effectively. Let us be diverted by none of those sophistical contrivances wherewith we are
5 so industriously plied and belabored—contrivances such as groping for some middle ground between the right and the wrong: vain as the search for a man who should be neither a living man nor a dead man; such as a policy of “don’t care” on a question about which
10 all true men do care; such as Union appeals beseeching true Union men to yield to Disunionists, reversing the divine rule, and calling, not the sinners, but the righteous to repentance; such as invocations to Washington, imploring men to unsay what Washington said and undo what Washington did.

Neither let us be slandered from our duty by false accusations against us, nor frightened from it by menaces of destruction to the government, nor of dungeons to ourselves. Let us have faith that right
20 makes might, and in that faith let us to the end dare to do our duty as we understand it.

QUESTIONS AND TOPICS FOR STUDY

I. THE SPEECHES ON COPYRIGHT

1. How Macaulay impressed reporters is seen in the testimony of Mr. Downing of the London "Daily News":

"Vehemence of thought, vehemence of language, vehemence of manner, were his chief characteristics. The listener might almost fancy he heard ideas and words gurgling in the speaker's throat for priority of utterance. There was nothing graduated or undulating about him. He plunged at once into the heart of the matter, and continued his loud resounding pace from beginning to end, without halt or pause. This vehemence and volume made Macaulay the terror of the reporters; and when he engaged in a subject outside their ordinary experience, they were fairly nonplused by the display of names, and dates, and titles. He was not a long-winded speaker. In fact, his earnestness was so great that it would have failed under a very long effort."

Where in these two speeches do you imagine that these characteristics were exemplified?

2. Sir Leslie Stephen remarks: "Clearness is the first of the cardinal virtues of style; and nobody ever wrote more clearly than Macaulay. He sacrifices much, it is true, in order to obtain it. He proves that two and two make four with a pertinacity that would make him dull, if it were not for his abundance of brilliant illustration. He always remembers the principle which should guide a barrister in addressing a jury. He has not merely to exhibit his proofs, but to hammer them into the heads of his audience by incessant repetition." Where do you find this principle illustrated in the two speeches on copyright?

3. Sir Richard Jebb writes: "Macaulay had a wonderful fulness and variety of knowledge. His vivid imagination, drawing on the immense stores which his prodigious memory held ready for use at any moment, gave him an almost unrivalled

command of brilliant illustration. Facts, images, analogies crowded upon his mind whenever he desired to enforce an argument or embellish a statement." What passages in the speeches contain these facts, images, and analogies?

4. A Belgian writer says:

"Macaulay's speeches were distinguished, indeed, much less by grace of expression, than by his lucidity, his arrangement of arguments, the brilliancy of his style, the vehemence and irony of his attacks. He stood motionless, talked rapidly, so rapidly that he was compared to an express train that did not stop even at the principal stations, and his voice, strong but metallic, possessed neither the variety of tone nor the delicacy of modulation by which masters of oratory have been able to produce their great effects."

Where in particular do you suppose the qualities mentioned in the first sentence were most conspicuous in these speeches?

5. A student of Macaulay passes this judgment: "His parliamentary career proves his capacity sufficiently, though want of the physical qualifications, and of exclusive devotion to political success, prevented him, as perhaps a want of subtlety or flexibility of mind would have always prevented him, from attaining excellence as a debater." Look through the account of the debate of 1842 in the *Introduction* to see if you find any sign of this want.

6. Sir Richard Jebb declares that Macaulay's style is that of the born orator:

"There is in it a sustained vivacity and rapidity which at once declare this. Macaulay imparts to written speech much of the impetus of oratory. . . . Oratory . . . implies an inward fire, a glow and movement of the spirit, a powerful and sincere emotion which the speaker can communicate to the hearers. . . . This oratorical character of Macaulay's style may be illustrated by one of its salient and familiar traits: I mean, his habit of placing very short sentences between his longer periods. . . . Such alternations of the long and short sentence correspond to a certain surging and subsidence of thought and feeling in the orator's mind."

Examine several paragraphs to see if this trait appears in the speeches on copyright.

7. Select the paragraphs which you think most oratorical or

eloquent. Either memorize them and deliver them to the class, or read them aloud to the class, as your teacher directs.

8. State in one paragraph the substance of the speech of 1841; of 1842.

9. Embody the central idea of each paragraph in a single sentence. Does Macaulay himself use any summarizing sentences? What words, phrases, or sentences does he introduce to show the relation between successive paragraphs? Do paragraphs 2 and 3 of the first speech present a contrast? (This study of sentences, paragraphs, and coherence of structure may be carried to any length desired.)

10. Of Macaulay's second speech his biographer relates that "when he resumed his seat, Sir Robert Peel walked across the floor, and assured him that the last twenty minutes had radically altered his own views on the law of copyright." What paragraphs do you think produced that effect? If you had been sitting in the hall and inclined to favor the bill of each year, what would have been your state of mind after he had finished each section of his speech?

11. Macaulay was a short man with a broad chest. Look at his portrait, and note the eyes, which were said to express deep thought and meaning. A reporter on the London "Standard" says of his bearing during a speech:

"He used scarcely any action. He would turn round on his heel, and lean slightly on the table; but there was nothing like demonstrative or dramatic action. He spoke with great rapidity; and there was very little inflection in the voice, which, however, in itself was not unmusical. It was somewhat monotonous, and seldom rose or fell."

On the basis of this quotation and of sections 1-6, draw a portrait of the ideal orator or debater and show what features of the portrait were possessed by Macaulay and in which he was lacking.

12. Name five or six famous orations delivered during Macaulay's public life, with the occasion and results of each. Treat five orations of earlier times in the same way. Treat five orations by living men in the same way.

13. Describe the status of the debate when Macaulay delivered his first speech. What was his purpose in speaking?

14. Many of Macaulay's arguments may be regarded as

arguments from example; that is, a general statement or conclusion arrived at after observing a number of examples of the class about which the statement is made. The most valuable tests for such arguments are the following:

- a. Are enough examples examined; i.e., is the relative size of the unobserved part of the class so small as to warrant the generalization?
- b. Are the members presented fair examples of the class?
- c. Does the arguer make it reasonably certain that there are no or few exceptions?
- d. Is it highly probable that such a general statement is true?

15. Apply these tests to the proof for the following statements:

Copyright is a nullity to the author, p. 10, l. 25.

The fashion of thinking and writing changes, p. 13, l. 25.

The family of the author will not be enriched by copyright, p. 14, l. 8.

Copyright will lead to the suppression or mutilation of valuable works, p. 16, l. 1.

(You may gain some assistance from the refutation used by Lord Mahon, pp. 67, 68).

16. Select arguments from example in Macaulay's second speech, and to apply to them the tests used above.

17. How does Macaulay prove that the question under debate is one of expediency rather than of justice?

18. What parts of Macaulay's two speeches are refutation? How does he attack his opponents? Compare his method with Lord Mahon's.

19. Do you find in Macaulay's speeches all of the parts of a classical oration, such as one of Cicero's: exordium, status, statement of facts, argument, refutation, peroration?

20. Mr. Serjeant Talfourd, in replying to Macaulay, objected that Macaulay had not grappled with the great examples adduced in favor of the bill, such as Wordsworth and Campbell. Is this a strong objection?

21. Look at the refutation employed by Lord Mahon as seen in the brief on pp. 66-69. Does he convince you that Macaulay has argued fallaciously?

22. Look over the refutation brought forward in the speeches

summarized in the *Introduction*, pp. xvi-xix. Does any of it shake any of Macaulay's arguments?

23. In the second debate summarized in the *Introduction* on pp. xvii-xx trace the steps by which the weakness of Macaulay's proposed amendment was made prominent. What part of the debate do you think had most influence in securing the adoption of the addition of seven years after the author's death to the term of copyright?

24. On the model of the brief of Lord Mahon's speech, pp. 66-69, with the assistance of the material in the *Introduction*, prepare an introduction for Macaulay's first speech on the copyright. Be sure you state the proposition precisely, and that you find the issues.

25. On the same model prepare the brief proper.

26. Prepare a complete brief for Macaulay's second speech.

27. In the volume containing all of Macaulay's speeches, (see p. xxi) select one that you especially like and compare it with one of the copyright speeches according to a carefully prepared plan.

28. Imagine that Talfourd, Mahon, and Macaulay are walking in a park along the Thames, discussing the duration of copyright. Write out the conversation.

29. Imagine that you were a member of the British parliament in 1911, when the present British copyright bill was passed. The important provisions of that bill are: first, "The term for which copyright shall subsist shall, except as otherwise expressly provided by this Act, be the life of the author and a period of fifty years after his death," and, secondly, "Where the author of a work is the first owner of the copyright therein, no assignment, and no grant of any interest therein, made by him (otherwise than by will) after the passing of this Act, shall be operative to vest in the assignee or grantee any rights with respect to the copyright in the work beyond the expiration of twenty-five years from the author's death,"—which means that the author cannot sell the copyright for a term of more than twenty-five years after his death. Make a speech in favor of this bill.

30. Ascertain the period during which a patent is good. Can you justify the difference between it and that of copyright?

BRIEF OF LORD MAHON'S SPEECH

Delivered in the House of Commons, April 6, 1842

Resolved: That the period of copyright shall endure for the natural life of the author and for the further term of twenty-five years commencing at the time of his death.

Introduction

I. History and Origin of the Question.

- A. Copyright was of little importance for two centuries after the invention of printing, for
 - 1. Readers were few.
 - 2. Patronage then supported authors.
- B. Copyright became a question of interest under Sir Robert Walpole, for
 - 1. Patronage then came to an end.
 - 2. A reading public began to arise.
- C. At the commencement of the reign of George III. authors enjoyed according to common law a perpetual copyright, for
 - 1. Though the right had been inadvertently limited by the statute of Queen Anne in 1709, courts of equity for many years continued to grant injunctions for protection of copyrights from seventy to one hundred years old.
- D. Not till 1774 did the House of Lords by a vote of six to five decide that under the law of 1709 copyright extended only to fourteen years, and to fourteen more should the author be surviving at the close of the first term.
- E. The law of 1814 extended the period to twenty-eight years or the life of the author.

[The following sections, usual in a model introduction, are not found in the speech.

II. Definitions. As the question had been debated for five years, no definitions were considered necessary.

III. Admitted, Waived, and Irrelevant Matter. Omitted for the same reason.

IV. Issues. None stated, but from the course of the speech it is apparent that he considered the following:

- A. Is copyright just?
- B. Will the proposed law be of any use to the author?
 - 1. Will it lead to suppression of his works?
 - 2. Will it increase his income?
- C. Will it raise the price of books to the public?
- D. Will it encourage authorship?
- E. Is it favored by the classes of the public affected?]

Brief Proper

I. *Refutation.* The argument that the moment an author puts his thoughts on paper and delivers them to the world his property therein utterly ceases, is unjust, for

- A. M. Lamartine, of the French Chamber of Deputies, holds a contrary view.
- B. An author obviously has as much right of property in his ideas as the man who reclaims a field from the waste has to the field.

II. *Refutation.* The eloquent argument of Mr. Macaulay that the proposed law will entail a great risk of the suppression of valuable works is unproved, for

- A. The case of Richardson's grandson does not support this view, for
 - 1. His objection to reading the novels himself does not prove that he desired to prohibit all mankind from reading them.
 - 2. His brother, whose concurrence was necessary, would not have agreed to the suppression.
- B. The case of Boswell's son does not support this view, for
 - 1. There is no evidence that he wished to suppress the "Life of Johnson."
 - 2. The work was in too general circulation for the suppression to be effective.
- C. It is based on the fallacy that it is as easy to suppress a work spread abroad by the tens of thousands as a work in manuscript.
- D. The proposed law will empower the Privy Council Judicial Committee to license works for publication in case of attempted suppression.

III. *Refutation.* The argument of Mr. Macaulay that the extension would be useless to authors themselves is unfounded, for

A. The case of Dr. Johnson does not support it, for

1. Dr. Johnson declared in favor of copyright for a period not shorter than a hundred years.
2. The proposed law would have enabled him to marry again.

IV. *Refutation.* The proposal that the term of copyright be left within the discretion of the Privy Council is inadvisable, for

A. Lord Campbell, the proposer, no longer favors it.

B. Rival claims could not be settled by the Privy Council, for

1. The Councillors are not competent judges of literature.
2. Their judgment would be warped by political considerations.

V. *Refutation.* The argument that the proposed law will tend to increase the price of books is unsound, for

A. Books containing maps and engravings will thereby become cheaper.

B. Booksellers know that their interests would be better promoted by low prices to the multitudes, for

1. The demand for useful and economical books has thrown the desire for splendid books quite into the background.

VI. A much more complete mode of remuneration than that proposed in the bill ought to be provided for literary men, for

A. They cannot be rewarded by places and pensions.

B. The fairest remuneration is the patronage of the public, for

1. It gives the greatest reward to the best books.
2. It does not tax the idle for the studious, for
 - a. Only readers will buy books.

C. Authors should be encouraged to write for a permanent and enduring fame, for

1. To write in accordance with the literary standards of the hour produces merely ephemeral works.

D. There has been a gradual extension of the term of copyright all over Europe, for

1. Russia and Spain have increased the term.
2. France grants ten years absolutely after the death of the author and twenty years if he leaves kindred.

3. France is now trying to extend the period to fifty years after death.

E. England should take the lead in such encouragement, for

1. The distresses of men of genius have a peculiar claim on our sympathy.

2. Such encouragement will help the nation at large, for
a. Southey's "Life of Nelson" has increased patriotic pride in our navy.

VII. The leading men among authors, publishers, printers, stationers, have petitioned the House to adopt the bill as it now stands.

Conclusion

Since copyright is just, since the proposed law will be of use to authors, since it will not materially increase the price of books to the public, since it will encourage authorship, and since it is favored by the classes of the public affected, the term of copyright should endure for the natural life of the author and for the further term of twenty-five years commencing at the time of his death.

II. THE COOPER INSTITUTE ADDRESS

1. William H. Herndon, Lincoln's law partner for twenty years, thus describes Lincoln's manner in speaking:

"When standing erect he was six feet four inches high. He was lean in flesh and ungainly in figure. Aside from the sad, pained look due to habitual melancholy, his face had no characteristic or fixed expression. He was thin through the chest, and hence slightly stoop-shouldered. When he arose to address courts, juries, or crowds of people, his body inclined forward to a slight degree. At first he was very awkward, and it seemed a real labor to adjust himself to his surroundings. He struggled for a time under a feeling of apparent diffidence and sensitiveness, and these only added to his awkwardness. I have often seen and sympathized with Mr. Lincoln during these moments. When he began speaking, his voice was shrill, piping, and unpleasant. His manner, his attitude, his dark, yellow face, wrinkled and dry, his oddity of pose, his diffident movements—everything seemed to be against him, but only for a short time.

“As he proceeded he became somewhat animated, and to keep in harmony with his growing warmth his hands relaxed their grasp and fell to his side. Presently he clasped them in front of him, interlocking his fingers, one thumb meanwhile chasing another. His speech now requiring more emphatic utterance, his fingers unlocked and his hands fell apart. His left arm was thrown behind, the back of his hand resting against his body, his right hand seeking his side. By this time he had gained sufficient composure, and his real speech began. He did not gesticulate as much with his hands as with his head. He used the latter frequently, throwing it with vim this way and that. This movement was a significant one when he sought to enforce his statement. It sometimes came with a quick jerk, as if throwing sparks into combustible material. He never sawed the air nor rent space into tatters and rags as some orators do. He never acted for stage effect. He was cool, considerate, reflective,—in time self-possessed and self-reliant.

“As he moved along in his speech he became freer and less uneasy in his movements; to that extent he was graceful. He had a perfect naturalness, a strong individuality; and to that extent he was dignified. He despised glitter, show, set forms, and shams. He spoke with effectiveness and to move the judgment as well as the emotions of men. There was a world of meaning and emphasis in the long, bony finger of his right hand as he dotted the ideas on the minds of his hearers. Sometimes, to express joy or pleasure, he would raise both hands at an angle of about fifty degrees, the palms upward, as if desirous of embracing the spirit of that which he loved. If the sentiment was one of detestation—denunciation of slavery, for example—both arms, thrown upward and fists clenched, swept through the air, and he expressed an execration that was truly sublime. This was one of his most effective gestures, and signified most vividly a fixed determination to drag down the object of his hatred and trample it in the dust.

“He always stood squarely on his feet, toe even with toe; that is, he never put one foot before the other. He neither touched nor leaned on anything for support. He made but few changes in his positions and attitudes. He never ranted, never walked backward and forward on the platform. To ease his arms he frequently caught hold, with his left hand,

of the lapel of his coat, keeping his thumb upright and leaving his right hand free to gesticulate. The designer of the monument recently erected in Chicago has happily caught him in just that attitude. As he proceeded with his speech the exercise of his vocal organs altered somewhat the tone of his voice. It lost in a measure its former acute and shrilling pitch, and mellowed into a more harmonious and pleasant sound. His form expanded, and, notwithstanding the sunken breast, he rose up a splendid and imposing figure. His little gray eyes flashed in a face aglow with the fire of his profound thoughts; and his uneasy movements and diffident manner sunk themselves beneath the wave of righteous indignation that came sweeping over him. Such was Lincoln the orator."

Compare this description with the accounts in the *Introduction*,—(a) At what points in the speech do you think, if you had been present, you might have seen "the kindling eye and mirth-provoking look" mentioned in the "Tribune" account? (b) At what points do you think he used his three chief gestures? (c) At what points do you think he was "a splendid and imposing figure"?

2. "Mr. Lincoln's speech excited frequent and irrepressible applause," the "Tribune" reported the next morning. "His occasional repetition of the text never failed to provoke a burst of cheers and audible smiles." Can you account for this effect?

3. "The smiles, the laughter, the outburst of applause which greeted and emphasized the speaker's telling points, showed Mr. Lincoln that his arguments met ready acceptance." Go through the speech, picking out the "telling points" which you think were thus greeted.

4. The New York "Evening Post" in its editorial notice the next day, February 28, 1860, said: "We have made room for Mr. Lincoln's speech notwithstanding the pressure of other matters, and our readers will see that it is well worthy of the deep attention with which it was heard. That part of it in which the speaker places the Republican party on the very ground occupied by the framers of our constitution and fathers of our republic strikes us as particularly forcible." What portion is this? Why is it particularly forcible?

5. "Lincoln appealed alike to scholars, men of business, and the common people, for such clearness of statement and irref-

ragable proofs had not been known since the death of Webster." Point out passages that you think would appeal to each of these classes.

3. What classes of people did Lincoln have in mind in preparing the speech? How did he hope to influence them?

7. Nicolay and Hay, Lincoln's biographers, declare: "The most impressive, as well as the most valuable, feature of Lincoln's address was its concluding portion." Think out all the reasons you can for this statement.

8. Make a report on Cooper Institute, why it was founded, when it was built, and some of the famous occasions it has seen.

9. Macaulay's nephew declares that "if a debate was in prospect he would turn the subject over while he paced his chamber or tramped the streets. Each thought as it arose in his mind, embodied itself in phrases, and clothed itself in an appropriate drapery of images, instances, and quotations; and when, in the course of his speech, the thought recurred, all the words which gave it point and beauty spontaneously recurred with it." Look through the *Introduction* and sections 19 and 20 below to determine how Lincoln's method of preparing a speech differed from Macaulay's and why?

10. Is the tone of Lincoln's speech stiff or informal? Is it conciliatory or aggressive? How does it compare in these respects with Macaulay's speeches?

11. James Ford Rhodes in his "History of the United States" avers: "Lincoln's bursts of eloquence, under the influence of noble passion, are still read with delight by the lovers of humanity and constitutional government." Do you find any such bursts in this speech? What is the most impressive sentence? Look through some of his other famous speeches and addresses for examples. Memorize from this speech and other speeches passages for delivery before the class.

12. Mention the occasion and significance of five orations delivered during Lincoln's life; of five American orations before his day; of five since his day.

13. One student thinks that Lincoln's "simple and forcible vocabulary was due to the study of the Bible and Shakespeare." What allusions to or quotations from either do you find in this speech?

14. Compile a list of words in the speech that you do not understand. Compare this list with a similar one compiled from one of Macaulay's speeches.

15. "The whole atmosphere must be disinfected from all taint of opposition to slavery, before they will cease to believe that all their troubles proceed from us." p. 58, l. 24. Does this figure help to make clear Lincoln's meaning? Select other figures from the speech, and compare them with an equal number from Macaulay's. What differences do you note?

16. How does Lincoln make clear to the reader or listener the fact that he is passing from one division of his speech to the next?

17. Can you sum up the whole speech in a single sentence?

18. It has been said that a chief characteristic of this speech is precision of statement. What sentences in particular seem to you to say no more and no less than Lincoln intended? Does he use technical words to secure exactness?

19. "A single, easy, simple sentence of plain Anglo-Saxon words contains a chapter of history that, in some instances, has taken days of labor to verify and which must have cost the author months of investigation to acquire." What sentences do you select as illustrative of this statement by the first editors?

20. "No one who has not actually attempted to verify its details can understand the patient research and historical labor which it embodies. The history of our earlier politics is scattered through numerous journals, statutes, pamphlets, and letters; and these are defective in completeness and accuracy of statement, and in indices and tables of contents. Neither can any one who has not traveled over the precise ground appreciate the accuracy of every trivial detail, or the self-denying impartiality with which Mr. Lincoln has turned from the testimony of 'the Fathers,' on the general question of slavery, to present the single question which he discusses." So state the first editors of Lincoln's speech. What paragraphs, do you think, show impartiality in presenting evidence and in dealing with his opponent?

21. Look carefully through the brief of Douglas's speech given on pp. 75-78 and the excerpt from it, pp. 78-79. If possible, look up his life in a large history of the United States

or a life of Lincoln. Compare him with Lincoln as an orator and debater.

22. *Resolved:* That Lincoln was a greater debater than Macaulay. Let the class take sides on this question and argue it out.

23. By means of the *Introduction* trace the long rivalry between Douglas and Lincoln, making clear the clash in their views on slavery. What was the chief point of difference between Douglas and Lincoln throughout their long fight?

24. At Lincoln's first inauguration Douglas held Lincoln's tall silk hat while the president delivered his inaugural. Imagine them in private conversation afterward talking over previous encounters. Write out the conversation.

25. Using the matter in the *Introduction* under "Lincoln and Slavery," together with Lincoln's own speech, draw up a complete introduction to a brief on the subject developed by Lincoln in pp. 35-46. Be careful to state the proposition precisely.

26. Prepare a brief on Lincoln's speech, pp. 35-46, on the model of the one of Senator Douglas, pp. 75-78.

27. Study the brief of Douglas's speech and the excerpt from it, pp. 75-79. Does he or Lincoln furnish the more convincing proof of the statement in the "text"?

28. Apply to Lincoln's speech, pp. 35-46, the tests for argument from example given on p. 64.

29. Reduce to the form of a brief, pp. 47-57, phrasing as much of it as you think proper as refutation. What is Lincoln's purpose in this section?

30. What do you gather were the relations between the North and the South at the time of this speech? What are those relations now?

31. Why does Lincoln lay so much emphasis on the opinions of "the fathers"? Are we guided by them so much in politics to-day?

32. "Measured by the severest tests of a great speech, by the use of simple Saxon, by the beauty of its rhetoric, by the grip of its logic, by the breadth of its historical illustrations, by the range of its research, by its freedom from scholastic pretensions, by its brotherly, conciliatory, yet unflinching treatment of its adversaries, by its wise admonitions to its friends,

by its manly avowal of the power of the right, by its reverential acknowledgment of God, by the vast results it achieved—by all these great elements that make a great speech, it is equal to any speech recorded in any language.” *Bishop Fowler*. Can you find all these qualities in the speech?

BRIEF FOR THE SPEECH OF SENATOR STEPHEN A. DOUGLAS

Delivered at Columbus, Ohio, September 7, 1859

Resolved: That you should support the Democratic party.

Introduction

I. Origin and History of the Question.

- A. The Democratic party holds to the great principle of the Nebraska Bill which tells every political community to regulate its own affairs.
- B. The Republican party holds that there is an irrepressible conflict between free and slave states which can be settled only by Congress’ making the country all free or all slave, for
 1. Mr. Seward developed the idea of an irrepressible conflict in a speech at Rochester.
 2. Mr. Lincoln at Springfield developed the idea that the country would become all free or all slave.
 3. The Republican platform at Philadelphia in 1856 declared that Congress has sovereign power over all territories.
- C. The Democratic party, on the contrary, maintains that the Federal Government has no right to interfere in the question in any way.

[The remaining sections usual in a model introduction do not occur in Douglas’s speech.

II. Definitions. The agitation had been going on for some five years, so that definitions were unnecessary.

III. Admitted, Waived, and Irrelevant Matter. Omitted for the same reason.

IV. Issues. Not stated, but the speech, though somewhat rambling and lacking in precision of statement, is based on the following:

- A. Was the Democratic principle of allowing every political community to regulate its own affairs operative before the formation of the Constitution?
- B. Is it denied by the Constitution?
- C. Will it settle the slavery question more surely than the Republican principle?]

Brief Proper

I. The Democratic principle was operative before the formation of the Constitution, for

A. It actuated the colonies before the Revolution, for

- 1. Virginia in 1699 passed a law imposing heavy penalties upon all slaves brought into the colony after that date.
- 2. This colony passed later thirty-one successive laws with the same purpose, each annulled by Great Britain.
- 3. This colony renewed the agitation in a petition in 1772.
- 4. Similar legislation was enacted in other colonies.

B. It actuated them in their joint efforts, for

- 1. The Bill of Rights in 1774 demanded for the colonies the right to legislate on all internal matters.
- 2. The Declaration of Independence was a vindication of this principle.
- 3. The battles of the Revolution were fought to maintain this principle.

C. It was maintained after the Revolution, for

- 1. In 1784 Congress struck out Jefferson's proposal to prohibit slavery in the Northwest Territory which had been granted by Virginia.

II. *Refutation.* The argument of the Republicans that the Federal Government has power to control slavery in the territories is illogical, for

A. The Republicans grant the power of local government in all matters but the negro.

B. The negro is property as much as an ox or a horse.

C. Each section is best fitted to determine what laws it needs, for

- 1. "*Our fathers, when they framed this Government under which we live*" . . . knew that each locality required a different law, for

- a. If they had made the laws uniform, they would have established slavery, for
 1. Twelve of the thirteen colonies then held slaves.
 - D. The present free states have become free by the operation of the principle of local government, for
 1. One-half of the original slave-holding states have become free by their own vote.
 2. *Refutation.* The argument that Ohio became free by the Ordinance of 1787 is untrue, for
 - a. "Gentlemen of Ohio, you are a free state because you chose to be free."
 - E. For the Federal Government to make laws uniform is to make government tyrannical, for
 1. Virginia knows better than Ohio what laws are best for it.
 2. Local government has been fought for by both North and South.
 3. It will allow one section to dominate the other, for
 - a. The real purpose of the Republicans is to fan sectional strife.
 - b. The constant cry of the South is for a national law to protect slavery in the territories.
 - F. It is plainly denied by the Constitution, for
 1. The fugitive-slave provision speaks of persons "held to service in labor in one state *under the law thereof.*"
 2. "State" in that clause means territories also.
- III. Popular sovereignty is the only sure way of settling the question of slavery, for
- A. In the approaching Congress Republicans will demand that New Mexico be admitted with a free constitution.
 - B. The Southerners will make counter demands that Kansas adopt a slave constitution.
 - C. Any territory with a sufficient population to organize a government is capable of self-government, for
 1. The argument against "Squatter Sovereignty" is based on a misunderstanding of Calhoun's position.
 - D. It admits of an indefinite expansion for our country, for
 1. Under this rule we have already reached the Pacific.

2. We are bound to expand and spread until we absorb the entire continent of America.
- E. It serves and preserves liberty.

Conclusion

Since the Democratic principle that every political community should regulate its own affairs actuated the Colonies before the formation of the Constitution, since it is illogical to deny that this principle is in the Constitution, and since observance of this principle is the surest means of settling the slavery question, you should support the Democratic party.

QUOTATION FROM DOUGLAS'S SPEECH

The section of the speech in which Douglas made the statement used by Lincoln as his text runs as follows:

"I hold that the people of the Territories have the same right to legislate in regard to slave property that they have in regard to any and every kind of property ['Right' and applause]. The Constitution places all kinds of property on an equal footing. The Northern and the Southern man enter the Territory on an exact equality, and carry their property with them, and hold it there subject to local law. If that local law is for them, then they will be protected; if it is against them, they had better keep their property somewhere else. Why, then, should we prohibit the settlers of the Territory from introducing or excluding Slavery, either to gratify the Republicans in the North, or the Southern Oppositionists in the slave States? If we will only apply the great principle of non-intervention by Congress, and self-government in the Territories, leaving the people to do as they please, there will be peace and harmony between all sections of the Union.

"What interest have you in Ohio in the question of Slavery in South Carolina? You say that you do not think that Slavery is necessary or beneficial. That may be true, but your opinion might be different if your property was all invested in a nice [rice] plantation in South Carolina, where the white man cannot live and cultivate the soil. In Ohio it is a question only between the white man and the negro [Laughter]. But if you go further South you will find that it is a question between the negro and

the crocodile [Renewed laughter]. The question then may be a very different one under different climates.

"Our fathers, when they framed this Government under which we live, understood this question just as well, and even better, than we do now. They knew when they made this Republic that a country so broad as ours, with such a variety of climate, soil and productions, must have a variety of interests, requiring different laws adapted to each locality. They knew that the laws which would suit the green fields of New England were illy [sic] adapted to the rice plantations of South Carolina; that the laws and the regulations which would suit the corn and wheat fields of Ohio might not be well adapted to the sugar plantations of Louisiana; that the people in different localities, having a different climate, different interests and necessities, would want different laws adapted to each locality; and hence, when the Constitution was made, it was adopted on the theory that each state should decide the Slavery question for itself, and also all the local and domestic questions."

NOTES

THE FIRST SPEECH ON COPYRIGHT

Page 3. line 1. Sir: Macaulay is addressing the speaker of the House of Commons, Charles Shaw-Lefevre who served as speaker with distinction from 1839 to 1857.

3. 8. my honorable and learned friend: Thomas Noon Talfourd (1795–1854), in that day a well-known dramatist, essayist, and lawyer. He was called Serjeant Talfourd because in 1833 he became serjeant on the Oxford circuit and rose to be unquestioned leader of the bar in that district. For his connection with copyright, see *Introduction*.

4. 2. indefeasible: Look up the derivation of this word.

4. 5. act of attainder: What, exactly, is an act of attainder? Do we have such acts in the United States? Would Macaulay's statement be true in England to-day?

4. 22. Paley, William (1743–1805), was a philosopher and theologian who rose to high office in the Church of England.

5. 17. primogeniture, or gavelkind, or borough English: To define these terms you need only to read the passage above beginning "modes of succession" (l. 2). For example, primogeniture is defined in "land generally descends to the eldest son." In the same way think out the meaning of *jure divino*, *pars rationabilis*, *Custom of York*, *Custom of London*. What principle is Macaulay trying to establish? How does it apply to copyright after the author's death?

7. 23ff. Mæcenas and Pollio: This sentence is an illustration of Macaulay's power of illustration, for into it he has compressed the chief points in the history of patronage. *Mæcenas* and *Pollio* were Roman statesmen of the first century B.C., who befriended and helped Vergil and Horace. The *Medici*, a family of statesmen in Florence, was most prominent in the fifteenth century. Lorenzo the Magnificent (1449–1492) was especially conspicuous in encouragement of letters and art. *Louis the*

Fourteenth, king of France from 1643 to 1715, saw the most splendid period in French literature, when Racine, Corneille, Molière, and Boileau were writing. *Lord Halifax* (1661–1715) and *Lord Oxford* (1661–1724) were English statesmen of great influence, the first under William and Mary, the second under Queen Anne. Who were the great writers whom they assisted?

8. 32. East India Company, founded by London merchants, was in 1600 granted by Elizabeth the monopoly of the East India trade in order to compete with the Dutch in the Indian Ocean. In the middle of the eighteenth century the company acquired also political supremacy in India under the leadership of Clive and Hastings. Read the absorbing essays of Macaulay on these men in Longmans' English Classics. See *Introduction*, p. 111, for Macaulay's connection with the company. Is it still in existence?

9. 13. Lord Essex: Robert Devereux, Second Earl of Essex (1567–1601), received many favors from Elizabeth. English monarchs had long granted monopolies to favorites. Elizabeth granted them on leather, salt, coal, and a hundred other commodities. Sir Walter Raleigh held one on playing cards. Read a good history of England for the protest against them in 1601.

10. 13. Australasian continent: What parts of Australia were settled in 1841? Is the heart of the continent valuable now for grazing?

10. 22. Prince Esterházy: Prince Paul Anton von Esterházy von Galantha of Austria was ambassador at London 1815–1818 and 1830–1838. He owned larger estates in land than any other subject of Austria.

10. 29. Dr. Johnson, Samuel Johnson (1709–1784) was the foremost literary man of his time. What books did he write beside these mentioned in this paragraph? Are they read to-day? Why?

11. 10. Juvenal was the greatest of the Roman satirists. Two of his sixteen satirical poems Dr. Johnson imitated in his poems, "London" and "The Vanity of Human Wishes."

11. 12. our means Parliament's. How did Dr. Johnson report these debates?

12. 36. Blenheim is an estate near Oxford some twelve miles in circumference, with an imposing palace that was eleven years in building and cost two and a half million dollars. The whole

property was given to John Churchill, Duke of Marlborough (1650-1722), for his victory over the French at Blenheim.

13. 1. Strathfieldsaye, about fifty miles southwest of London, was the seat of Arthur Wellesley, Duke of Wellington (1769-1852), the victor at Waterloo over Napoleon, 1815.

13. 31. Cowley's Poems were during his lifetime (1618-1667) far more popular than those of his great contemporary, John Milton (1608-1674), or of any other poet of his time. The question, "Who now reads Cowley?" occurs in line 75 of Pope's "The First Epistle of the Second Book of Horace Imitated" (1737). You will find the satire throughout the poem entertaining. Are the names of authors in this paragraph arranged chronologically or in anti-climax?

13. 32. Pope, Alexander (1688-1744), was the leading poet of his generation. You will enjoy his "The Rape of the Lock" and his translation of Homer.

13. 35. Bolingbroke, Henry St. John, Viscount Bolingbroke (1678-1751), was a brilliant but superficial English orator and politician. David Mallet published his "Works" in five volumes in 1754. They reappeared in eleven volumes in 1786, and in eight volumes in 1809. His "Letters and Correspondence" appeared in two volumes in 1798. Do these facts support Macaulay's statement? Why does Macaulay select 1814 instead of 1809?

14. 2. Paternoster Row, so called because the prayer-books of the Church of England were formerly sold there, is a short street north of St. Paul's Cathedral. It has long been famous as a centre of London book publishing.

14. 3. Hayley's (1745-1820) "Triumphs of Temper" was published in 1781 and ran to twelve or fourteen editions. His friend Southey wrote of him that everything was good about him except his poetry. In his "Essay on Byron" Macaulay declared: "Poetry had sunk into such decay that Mr. Hayley was thought a great poet."

14. 16. Milton's granddaughter: The history of the copyright on "Paradise Lost" is given on p. xiv. Symmons sold the copyright a few years later for twenty-five pounds. Jacob Tonson (1656-1736) secured the copyright as early as 1695. It was his grandnephew and successor, Jacob Tonson the third, who brought the injunction mentioned by Macaulay.

Would the present English law (see p. 65 : 29) have helped Mrs. Elizabeth Foster, Milton's granddaughter? She was the widow of a weaver and died May 9, 1754, being probably the last of Milton's descendants.

14. 24. Garrick, David (1716-1779) was a pupil and intimate friend of Dr. Johnson, and became one of the greatest of English actors. He gave the benefit on April 5, 1750, which netted one hundred thirty pounds with other subscriptions.

16. 9. Fielding, Henry (1707-1754), wrote, besides "Tom Jones" (1749), two other great novels, "Joseph Andrews" (1742), and "Amelia" (1751), both mentioned on p. 32. Coleridge was of opinion that the "Ædipus Rex" of Sophocles, Ben Jonson's "Alchemist" and "Tom Jones" have the best plots in all literature.

16. 10. Gibbon's "History" ranks as among the greatest historical works ever written. Though it was completed in 1788, it is still an authority for the period from A.D. 100 to A.D. 1453. His treatment of Christianity is by some regarded as prejudiced.

16. 19. Richardson's novels were the first English novels of domestic life. "Pamela" (1740) was in two volumes. "Clarissa Harlowe" (1747-8) extended to eight volumes. Another of his novels, "Sir Charles Grandison" (published in 1753 in six volumes) is referred to on p. 32.

16. 33. Mr. Wilberforce: William Wilberforce (1759-1833) published in 1797 his "celebrated religious treatise," "A Practical View of the Prevailing Religious System of Professed Christians contrasted with Real Christianity." Before the end of the year it ran through five editions, and by 1826 had reached fifteen in England and twenty-five in America. As a leader in parliament in the fight against slavery, he was an intimate friend of Macaulay's father in Clapham. As a boy Macaulay saw him often. Read Trevelyan, "Life of Macaulay," chapter I.

17. 3. Mrs. Hannah More (1745-1833) was another famous person whom Macaulay knew well as a boy. It was at her house that his father and mother first met. As a boy he spent many weeks in her home. She gave him the money to buy his first books. Read Trevelyan, "Life of Macaulay," chapter I. She was a firm supporter of Wilberforce, and was well known

as a religious writer. She never married; the title *Mrs.* was formerly applied to both married and unmarried women.

18. 20. Boswell's "Life of Johnson" by universal consent merits the high praise Macaulay gives it in this paragraph. James Boswell (1740-1795) spent a great deal of his leisure from 1763, when he secured an introduction to Dr. Johnson, down to 1784, when Dr. Johnson died, in taking notes on his conversation and gathering facts about him. The "Life" consequently presents a picture unrivalled for the faithfulness and the vividness with which it reveals an absorbing personality.

18. 23. a blot in the escutcheon: Macaulay has elsewhere expressed more directly his feelings that Boswell's constant following of Dr. Johnson for the purpose of taking notes and recording his peculiarities was disgraceful. Read his "Essay on Boswell's Johnson," and also his "Life of Johnson." Carlyle took a quite different view. In his "Essay on Boswell's Johnson," which was a veiled reply to Macaulay, he maintained that Boswell's discipleship shows a recognition of greatness which is admirable.

18. 36. Camden's "Britannia" was first published in Latin in 1586 and grew in successive editions. It was translated into English in 1610. It is a very valuable book because of its full description of Great Britain at the time and of its rich stores of antiquarian knowledge. Macaulay as an historian would especially prize it.

19. 15. John Wesley (1703-1791) was the founder of the Society of Methodists, which in 1837 numbered 318,716 members in Great Britain and Ireland. He preached chiefly in the open air to the lower classes. He traveled five thousand miles a year and preached fifteen sermons a week. This he kept up for fifty years. His hymns were first published in 1737. His journals were published in parts from 1739 to 1791. They have been called "the most amazing record of human exertion ever penned by man." His works, when collected in 1771-1774, filled thirty-two volumes. How would Talfourd's proposed law have applied to these works?

21. 2. piratical booksellers: Why are they called piratical?

22. 1. divide the House: Why is the voting called dividing the house? See p. xvii.

22. 6. Be read a second time: See p. xv. The house would probably not be in session six months later. Was Macaulay's motion carried? See p. xvii.

THE SECOND SPEECH ON COPYRIGHT

23. 5. My noble friend: Philip Henry, Fifth Earl of Stanhope (1805–1875) was by courtesy styled Viscount Mahon or Lord Mahon from 1816 till his succession to the peerage in 1855. Macaulay had reviewed his "History of the War of the Succession in Spain" in "The Edinburgh Review" for January, 1833. When Serjeant Talfourd lost his seat in 1841, he took up with energy the scheme for amending the copyright. See pp. 66–69 for a brief of the speech to which Macaulay is replying.

26. 9. Madame D'Arblay (1752–1840) was one of the first of England's women novelists. Her first novel, "Evelina," appeared in 1778, yet she died only two years before Macaulay's speech. His "Essay on Madame D'Arblay" appeared in "The Edinburgh Review" for the year after the speech (January, 1843).

26. 9. Miss Austen: Jane Austen (1775–1817) was a greater novelist than Madame D'Arblay. Macaulay thought her a "wonderful woman." His nephew tells us that "'Pride and Prejudice' and the five sister novels, remained without a rival in his affections." What are the five sister novels?

27. 13. Shakespeare: How does Macaulay's use of Shakespeare to support his argument in this speech differ from the use in his first speech? "Love's Labor's Lost" was published in 1598, "Pericles, Prince of Tyre" in 1609, "Othello" in 1622, "Macbeth" in 1623. When did Shakespeare die? When would the copyright on each have expired according to Lord Mahon's and according to Macaulay's law?

27. 17. Milton: How does this paragraph differ from Macaulay's use of Milton in his first speech?

27. 27. Dryden (1632–1700) was for the last twenty-five years of his life recognized as the leading man of letters in England. "Alexander's Feast" was written in 1797. The four other poems grouped with it appeared in "Fables," 1700.

27. 32. Flecknoe, an Irish writer who died about 1678, was

a harmless and sometimes agreeable writer of verse whom Dryden employed in his brilliant satire "MacFlecknoe" for an attack on his enemy Shadwell.

27. 32. Settle (1648-1723), who had some reputation at the time, aroused the enmity of Dryden and was treated with haughty satirical contempt as Doeg in the "Second Part of Absalom and Achitophel," 1682. Macaulay's estimate of these two obscure writers is partly due to Dryden's satire.

28. 2. "Pastorals": Pope said he composed the poems when he was sixteen. They gave "manifest proof of his knowledge of books" but almost no evidence of a study of nature with his own eyes.

28. 14. Fielding: All his novels were published in the last twelve years of his life.

28. 26. Burke (1729-1797) should be known by every American youth as one of the greatest English orators for his statesmanlike policy for the American colonies. Read Augustine Birrell's entertaining life in "Obiter Dicta."

29. 8. Sophocles (495-406 B.C.) is considered the greatest tragic poet. His "Œdipus at Colonus" was not played until four years after his death.

29. 12. Demosthenes (384-322 B.C.) was the greatest of Greek orators. His Speech against the Guardians was delivered at eighteen in a suit to secure the return of more than \$15,000 which his guardians had dissipated. His Speech for the Crown, "the most finished, the most splendid and the most pathetic work of ancient eloquence," was delivered when he was fifty-four. Read Plutarch's life of this great statesman.

29. 20. Cicero (106-43 B.C.) was the greatest of Roman orators and second only to Demosthenes in the ancient world. His first speech defending Roscius was a bold undertaking. His philippics against Marc Antony were the direct cause of his assassination. Read Plutarch's life.

29. 23. Racine (1639-1699) was the greatest of the French tragic poets. His first play to be produced ("Les Frères Ennemis") was presented by Molière in 1664. His finest and greatest tragedy, "Athalie" was first played (1691) at a girl's school at St. Cyr.

29. 24. Molière was the stage name of Jean Baptiste Poquelin (1622-1673), the greatest of French writers of comedy.

"L'Étourdi" ("The Blunderer") was first played in 1653 at Lyons. "Tartuffe" was, after a three years' struggle to overcome hostility, produced in 1667 at Paris.

29. 26. **Cervantes**, Saavedra Miguel de (1547-1616), is the greatest of Spanish writers. The two parts of "Don Quixote" appeared in 1605 and 1615. Of this book Macaulay said, "It is certainly the best novel in the world beyond all comparison."

29. 29. **Schiller**, Johann Christoph Friedrich von' (1759-1805), is the greatest of German dramatists. He began "The Robbers" when he was only nineteen in a military school. What are his great plays?

29. 30. **Goethe**, Johann Wolfgang von (1749-1832), is the greatest name in German literature. He and Schiller were intimate friends. "The Sorrows of Werther" is a very romantic and indeed sentimental novel published in 1774. What are his chief works? These later productions are probably the best proof of Macaulay's contention in this section of the speech. What is this contention?

29. 31. **the Committee**: What committee has Macaulay been addressing?

30. 23. **no work of the imagination**: Like all sweeping statements, this assertion is subject to exceptions. How old was Coleridge when he wrote "The Rime of the Ancient Mariner"?

31. 33. **Bacon**, Francis (1561-1626), one of the most conspicuous men of Shakespeare's time, is famous now chiefly as a writer. Macaulay wrote so long an essay on him that the editor of "The Edinburgh Review" wanted to cut it down, but it was so brilliantly written that he was afraid to. It appeared in July, 1837.

31. 36. **Hume**, David (1711-1776), wrote a "History of England" (published 1754-1761) beginning with the invasion of Julius Cæsar (55 B.C.) and extending to the Revolution of 1688. Up to the appearance of Macaulay's history it was the most widely read historical work in England. On March 8, 1849, Macaulay wrote to his friend Ellis: "At last I have attained true glory. As I walked through Fleet Street the day before yesterday, I saw a copy of Hume at a bookseller's window with the following label: 'Only 2*l.* 2*s.* Hume's "History of England," in eight volumes, highly valuable as an

introduction to Macaulay.' I laughed so convulsively that the other people who were staring at the books took me for a poor demented gentleman. Alas for poor David! "

32. 1. Addison, Joseph (1672-1719), wrote most of the Sir Roger de Coverley Papers that appeared in the "Spectator." Read Macaulay's "Essay on Addison" and the last half of Thackeray's lecture on "Congreve and Addison" in "English Humorists."

LINCOLN'S ADDRESS AT COOPER UNION

35. 1. Mr. President: William Cullen Bryant presided at the meeting.

35. 8. his speech last autumn at Columbus: See p. xxxviii.

36. 5. "The Constitution of the United States": Does the Constitution to-day consist of the parts enumerated by Lincoln?

36. 12. the "thirty-nine": If you are interested in the constitutional convention, read Fiske's "Critical Period of American History."

36. 26. It is this: For the connection in which Douglas used the text, study the excerpt from his speech, pp. 78-79, and the brief, p. 75-78. Does Lincoln state Douglas's position fairly? A few days after the speech, Lincoln told Rev. A. P. Gulliver on a train in New England: "I am never satisfied to leave a question until I have bounded it north and bounded it south and bounded it east and bounded it west."

37. 3. In 1784: What use does Douglas make of this action? See p. 76.

37. 4. the Northwestern Territory: If you do not understand this reference or the term Confederation, read over this period in your United States history.

37. 33. the Ordinance of '87: Read the history of this "really sovereign and greatly important act" to organize a government for this region. What reference to this ordinance does Douglas make? See p. 77.

38. 12. without ayes and nays: That is, there was no roll call. When the Ordinance of '87 was passed, Judge Yates of New York required the ayes and nays, when it appeared that his was the only vote in the negative. Lincoln is therefore quite right in regarding the vote of 1789 as unanimous.

40. 26. the Missouri question: There is a reference to this matter in the *Introduction*, p. xxxiii, but you should read a full account in a United States history.

41. 2. by his votes: Pinckney on June 8, 1787, had *declared* the necessity of one supreme controlling power, for he considered this the cornerstone of the government. He was, moreover, a member of the committee which reported the Ordinance of '87, and on every occasion when it was under the consideration of Congress voted against all amendments. Lincoln is scrupulously fair in his description of Pinckney's *action*.

41. 8. which I have been able to discover: Read p. 73 : 20 for the opinion of the first editors on the thoroughness of Lincoln's search.

41. 23. corporal oaths: are oaths confirmed by touching a sacred object, especially the New Testament, as distinguished from merely spoken or written oaths.

42. 10. grounds of expediency: Compare with Macaulay, pp. 3-6.

42. 26. there is much reason to believe: Does Lincoln indicate where you might look for the evidence on this point?

44. 3. the Dred Scott case: See the *Introduction* for a reference to this weighty decision, but you should also read carefully your United States history on this point.

47. 24. "Black Republicans": In the Lincoln-Douglas debates Douglas used the phrase often to stir up the race prejudice of his audience by implying that Lincoln was a radical abolitionist. In the Ottawa debate he declared that Lincoln and Trumbull had arranged in 1854 to form "an Abolition party, under the name and disguise of a Republican party."

48. 11. we shall get votes in your section: The only Southern states which cast votes for Lincoln in 1860 were: Delaware, 3815; Maryland, 2294; Virginia, 1929; Missouri, 17,028; Kentucky, 1364.

49. 3. Farewell Address: You will find this famous message in Longmans English Classics. A warning against sectional parties occurs on p. 83. "In contemplating the causes which may disturb our union, it occurs as a matter of serious concern that any ground should have been furnished for characterizing parties by geographical discriminations—Northern and Southern, Atlantic and Western."

49. 10. he wrote Lafayette: The paragraph runs as follows: "I agree with you cordially in your views in regard to negro slavery. I have long considered it a serious evil, both socially and politically, and I should rejoice in any feasible scheme to rid our States of such a burden. The Congress of 1787 adopted an ordinance which prohibits the existence of involuntary servitude in our Northwestern Territory forever. I consider it a wise measure. It meets with the approval and assent of nearly every member from the States more immediately interested in slave labor. The prevailing opinion in Virginia is against the spread of slavery in our new Territories, and I trust we shall have a confederation of free States."

50. 8. "Popular Sovereignty" was defined in less concrete terms by Douglas: "My principle is to recognize each State of the union as independent, sovereign, and equal in its sovereignty." See *Introduction*, p. xxxiv, and Douglas's speech, pp. 78-79.

50. 32. Harper's Ferry John Brown!! is an allusion to the famous attempt of John Brown to start an uprising of the negroes by seizing the United States arsenal at Harper's Ferry, Virginia, on October 16, 1859. The next day Robert E. Lee captured him and his army of twenty men.

50. 34. you have failed to implicate a single Republican: Of the Congressional committee of five, the three Democrats reported: "It was simply the act of lawless ruffians, under the sanction of no public or political authority—distinguishable only from ordinary felonies by the ulterior ends in contemplation by them."

51. 3. you are inexcusable to assert it: From his seat in the Senate on January 16, 1860, Douglas stated his "firm and deliberate conviction" that the Harper's Ferry crime was "the natural, logical, inevitable result of the doctrines and teachings of the Republican party, as explained and enforced in their platforms, their partisan presses, their pamphlets and books, and especially in the speeches of their leaders in and out of Congress."

52. 8. the Southampton insurrection in August, 1831, was organized in Southampton county, Virginia, by a remarkable slave styling himself General Nat Turner. It resulted in the death of sixty-four whites, most of them women and children, and more than a thousand slaves.

52. 28. the slave revolution in Hayti, extending from 1791 to 1802, was peculiar in that negroes were instigated by the opposing factions of the whites. Toussaint L'Ouverture, a full-blooded negro, led the half million slaves first against the English and Spanish and later against the French forces. His character has been variously estimated; he is eulogized in Wordsworth's sonnet and in one of Wendell Phillips's most eloquent lectures.

52. 30. The gunpowder plot was a conspiracy among some Catholics in England to blow up both King James I and Parliament, when it assembled on November 5, 1605. A Catholic peer, Lord Monteagle, who was by his brother-in-law Tresham warned not to appear, revealed the danger. Guy Fawkes was found in the cellars beneath Parliament House with thirty-six barrels of gunpowder, matches, and a dark lantern.

53. 7. In the language of Mr. Jefferson: These words appear in Jefferson's first draft of the Declaration of Independence, in protest against the annulment of Virginia's slavery legislation. See the brief for Douglas's speech, p. 76. Read Fiske's "Critical Period."

53. 11. *pari passu*: Jefferson meant by this Latin phrase that as fast as negroes should be set free or deported, free white laborers should take their places.

53. 36. Orsini's attempt on Louis Napoleon was recent history. On January 14, 1858, he had tried to assassinate Napoleon III by a bomb. He made London his headquarters. Because an English jury acquitted him, France was disposed to condemn Great Britain for negligence.

54. 7. Helper's Book was "The Impending Crisis of the South," published in 1857. He was a poor white of North Carolina who sought to show that slavery was ruinous on economic grounds to the South and to the future of the poor white and his children. A Southerner declared that any one who lent his name and influence to the propagation of such writings was not fit to live. About one hundred and fifty thousand were in circulation before 1861. The Republicans spread it broadcast as a campaign document. What other book had a great influence on the settlement of the slavery question?

54. 12. a million and a half votes: In the election of 1856 the Republicans cast 1,341,264 votes.

55. 9. the Supreme Court has decided: Observe Lincoln's analysis of the Dred Scott decision.

56. 17. To show all this: See the "Madison Papers" containing the journal of the constitutional convention. Madison himself thought it wrong to admit into the Constitution the idea that there could be property in men.

58. 18. Senator Douglas's new sedition law: a reference to a resolution introduced into the Senate on January 16, 1860: "that the Committee on the Judiciary be instructed to report a bill for the protection of each State and Territory of the Union against invasion by the authorities or inhabitants of any other State or Territory; and for the suppression and punishment of conspiracies or combinations in any State or Territory with intent to invade, assail, or molest the government, inhabitants, property, or institutions of any State or Territory of the Union."

60. 9. a policy of "don't care" is a reference to a speech by Douglas in the Senate in 1857 in which he declared that he did not care whether slavery was voted up or voted down.

60. 13. invocations to Washington: Where in this speech do we learn what Washington said and what he did?

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